

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 11 January 2018 at 7.00 p.m.
Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

The meeting is open to the public to attend.

Members:

Chair: Councillor Marc Francis
Vice Chair : Councillor David Edgar
Councillor Sirajul Islam, Councillor Asma Begum, Councillor Md. Maium Miah, Councillor
Gulam Robbani, Councillor Shafi Ahmed and Councillor Julia Dockerill

Substitutes:

Councillor Danny Hassell, Councillor Denise Jones, Councillor John Pierce, Councillor
Muhammad Ansar Mustaqim, Councillor Oliur Rahman, Councillor Chris Chapman,
Councillor Shah Alam, Councillor Peter Golds and Councillor Abdul Asad

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 9 January 2018**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 10
January 2018**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4877
E-mail: Zoe.Folley@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information

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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 9 - 18)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 30 November 2017.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 19 - 20)

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

PAGE NUMBER	WARD(S) AFFECTED
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4. DEFERRED ITEMS

None

5.	PLANNING APPLICATIONS FOR DECISION	21 - 22	
5 .1	Land and Fieldgate Street and Whitechapel Road, Fieldgate Street, London (PA/17/02217)	23 - 74	Whitechapel

Proposal:

Demolition of existing substation and construction of a 20 storey building, including 11,450 sqm of student accommodation totalling 375 rooms; 1,050 sqm of office (B1a) floorspace at ground/first floor level ;70 sqm of commercial floorspace (A3 use) at ground floor level; basement and new pedestrian link to the eastern boundary of the site.

Officer recommendation:

That the Committee resolve to REFUSE planning permission for the reasons set out in the Committee report

6.	OTHER PLANNING MATTERS	75 - 76	
6 .1	Planning Appeals Report	77 - 116	

Officer recommendation:

The Committee is invited to note the contents of this report.

Next Meeting of the Strategic Development Committee

Thursday, 15 February 2018 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain Corporate Director of Law Probitry and Governance and Monitoring Officer,
Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 30 NOVEMBER 2017

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Marc Francis (Chair)
Councillor David Edgar (Vice-Chair)
Councillor Sirajul Islam
Councillor Asma Begum
Councillor Md. Maium Miah
Councillor Muhammad Ansar Mustaqim (Substitute for Councillor Gulam Robbani)
Councillor Peter Golds (Substitute for Councillor Julia Dockerill)

Other Councillors Present:

None

Apologies:

Councillor Gulam Robbani
Councillor Shafi Ahmed
Councillor Julia Dockerill

Officers Present:

Paul Buckenham	(Development Manager, Planning Services, Place)
Kevin Chadd	(Legal Services, Governance)
Christopher Stacey	(Senior Planning Officer, Place)
Kate Harrison	(Principal Planning Officer, Place)
Alison Thomas	(Head of Housing Strategy, Partnerships and Affordable Housing, Place)
Zoe Folley	(Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor David Edgar declared a personal interest in agenda item 5.1 Ailsa Wharf, Ailsa Street, London (PA/16/02692). This was on the grounds that as Cabinet Member for Resources he was the Lead Cabinet Member for a Cabinet report relating to the sale of the land determined by the Mayor in Cabinet earlier in the week. He stated that he would leave the meeting for the consideration of this application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 26th October 2017 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision
- 3) To note the procedure for hearing objections at meetings of the Development Committee and the meeting guidance.

4. DEFERRED ITEMS

4.1 49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14 (PA/16/03518)

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application for the demolition of existing buildings at the site and the comprehensive mixed use redevelopment of the site including two buildings ranging from 26 storeys to 30 storeys. He explained that the application was considered by the Strategic Development Committee on 26th October 2017. The application was recommended for approval, however members voted to refuse planning permission due to concerns over:

- The height of the proposal and its failure to step down;
- The overdevelopment of the site;
- The bulk and massing of the proposal.

Following negotiations with Council officers, the applicant had made a number of amendments to the scheme to increase the level of affordable housing and to provide a health unit within the development.

Christopher Stacey (Planning Services) presented the report reminding the Committee of the site location and the key features of the application. In terms of the changes, it was noted that the applicant had converted 18 of the private units to affordable units taking the overall affordable housing offer within the scheme up to 40% (from 35%). The tables in the Committee report showed the revised offer compared to the previous offer as presented to the October Committee. The applicant had also replaced A1 floor space with D1 floor space to be used as a doctor's surgery (subject to the health trust agreeing to take on the facility) or another community facility.

Officers remained of the view that the application should be granted permission. However, should Members still wish to refuse the application, one reason for refusal was proposed (incorporating the Committees three suggested reasons for refusal) as set out in the report as well as a further standard reason relating to the absence of a legal agreement, set out in the update report. The Committee were also advised of the implications of a refusal and that the emerging Local Plan and the London Plan might be given more weight at any appeal

Members asked questions about the status of the emerging plans at any appeal. It was confirmed that whilst at this stage in the process, the Committee were not required to take into account these plans, they would carry more weight in the future and the Planning Inspector at any appeal would need to take into account any policies in place at the time. This advice would apply to any applications.

Members also asked questions about the height of the proposal and the failure to step down given the policy requirements. Confirmation was sought that the suggested reasons covered this issue. In response, officers provided assurance about this.

In response to further questions, officers clarified the plans to provide an additional community facility in addition to a nursery (D1) and also the quantum of commercial space still proposed.

On a vote of 0 in favour of the Officer recommendation to grant planning permission, 5 against and 0 abstentions, the Committee did not accept the recommendation.

Councillor Marc Francis moved that the application be refused for the reason set out in the 30th November 2017 Committee report and the additional reason in the update report.

On a vote of 5 in favour, 0 against and 0 abstentions, it was **RESOLVED**:

That planning permission be **REFUSED** at 49-59 Millharbour, 2-4 Muirfield Crescent And 23-39 Pepper Street, London, E14 for the demolition of existing buildings at 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street and the comprehensive mixed use redevelopment including two buildings ranging from 26 storeys (90.05m AOD) to 30 storeys (102.3m AOD) in height, comprising 319 residential units (Class C3), 2,034sqm (GIA) of flexible non-residential floor space (Classes A1, A3, A4 and D1), private and communal open spaces, car and cycle parking and associated landscaping and public realm works (PA/16/03518) for the following reasons as set out in the 30th November 2017 report and the update report.

- (1) The excessive scale and height of the proposed development within its local context would not be proportionate to the site's position outside of the Canary Wharf major centre and would not maintain the transition in height between Canary Wharf and the lower rise buildings to the south. The proposed scale, height and massing would result in a development that is overbearing, is unduly prominent in local views and detracts from the low-rise character of the area to the south. The proposed development therefore fails to respect the features that contribute to the area's character and local distinctiveness and demonstrates clear symptoms of over development and excessive density. This is contrary to Strategic Objectives SO22 & SO23 and Strategic Policies SP10 and SP12 of the Core Strategy (2010), Policies DM24 and DM26 of the Managing Development Document (2013) and Policies 3.4, 7.4, 7.6 and 7.7 of the London Plan (2016).
- (2) In the absence of a legal agreement to secure agreed and policy compliant financial and non - financial contributions including for affordable housing, employment, skills, training and enterprise, carbon offsetting and transport matters the development fails to mitigate its impact on local services amenities and infrastructure. The above would be contrary to the requirements of Policies SP20 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan (2016) and Planning Obligations SPD (2016)

5. PLANNING APPLICATIONS FOR DECISION

5.1 Ailsa Wharf, Ailsa Street, London (PA/16/02692)

Update report tabled.

Paul Buckenham introduced the application for the demolition of existing structures/buildings and the redevelopment of the site for a mixed use residential led scheme with commercial floorspace within a series of thirteen building blocks varying between 3 and 17 storeys and associated works.

Kate Harrison (Planning Services) presented the application describing the nature of the site and surrounds including the plans for the Bromley Hall School, and the pedestrian and cycle links through the site. The Committee were also advised of the height of the proposed buildings, their position in the development and noted images of the proposal from key points. Members also noted the outcome of the consultation and the issues raised.

In terms of the land use, the proposal would deliver employment space and a significant amount of housing, open space, a riverside walkway and also a landing area for a new bridge amongst other things. Therefore, it accorded with policy in land use terms. Whilst the density of the proposal exceeded the guidance in the London Plan, the proposal displayed no symptoms of overdevelopment and met the criteria for schemes exceeding this guidance. In terms of the housing, the application would provide a suitable level of affordable housing - 35 % of the housing mix. This would be split 65%35% in favour of affordable rent with a 50/50 split between Tower Hamlets Living rent and London Affordable rent. The viability of the application had been reviewed and whilst the offer exceeded what the application could afford, the applicant had taken a commercial decision to provide this level of housing. There would also be a review mechanism to increase the number of affordable units if possible to be secured through the legal agreement.

It was considered that the proposal would be of a good quality design. The future occupants would have a good standard of amenity and there would be generous levels of open space and child play space for all age groups. The child play space strategy was noted. The impact on neighbouring amenity would be acceptable and there were measures to mitigate any impact from the waste transfer station. The proposal would not have an adverse impact upon the local highway and public transport network and a range of contributions would be secured. In view of the merits of the application, Officers considered that it should be granted planning permission.

The Committee asked questions about the measures to improve air quality and minimise pollution levels for the future occupants given the proximity of units to the A12. The Committee also questioned whether pollution from the highway could affect the appearance of the proposal and whether the materials would protect its appearance. Members also asked questions about the discussions regarding the layout of the scheme in view of these issues and the social housing mix given the level of 3 and 4 bed affordable units.

In response, Officers confirmed that the plans included measures to minimise any impact from the highway, including tree planting on the A12 and mechanical ventilation for units where necessary. LBTH Environmental Health had reviewed the application and considered that any impact could be mitigated subject to the conditions. It was also noted that there were a number of developments in the area near the highway that showed that the impact could be successfully mitigated. It was also felt that the materials should be able to withstand any impact from pollution from the highway but that there would be conditions for detailed material specifications where the durability of the materials would be taken in to account. Regarding the layout, it was noted

that the proposal had been arranged and positioned in a way so as to minimise any impacts. The plans would also facilitate the provision of court yard space and door step play space within the social housing block. The viability of the proposals had been tested and it was found that any changes to the layout or the inclusion of additional family sized units would impact the viability of the scheme.

Members also asked questions about the design of the scheme and whether this could be reviewed including the colour of the proposal. Officers explained some of the features of the design and its merits. It could be considered such features would result in a high quality proposal. Nevertheless, the detailed material specification would be considered at the point of discharging the conditions.

The Committee also asked questions about the impact on infrastructure in the local area from the increase in population from the development. It was felt that the proposals would place additional pressures on services such as health practices that were already operating at a capacity. In response, officers explained that the proposals fully complied with the requirements in terms of the provision of contributions for infrastructure. Whilst there was no requirement in the site allocation to provide a health practice, other developments coming forward in the housing zone might provide such facilities.

In view of the above issues, the Committee asked whether part of the commercial floor space could be converted into a health care facility. Officers reported that an informative could be added to the permission requesting that the applicant explore the feasibility of providing such a unit.

The Committee also sought assurances about the measures to improve the connectivity of the area given the public transport rating (PTAL). Members also asked about the phasing of the development and expressed comments about the child yield predictions over the long term. It was reported that the application would be one of the first developments to come forward within the Housing Zone area and that the regeneration of the wider area should improve the connectivity of the area as well as provide measures to mitigate air quality issues. Furthermore, it was likely that the provision of a new bridge, if it were to come forward should improve the PTAL rating of the site. Regarding the phasing plans, it was planned to deliver a number of the blocks under the first phase; the affordable housing would be split equally between the first and second phases and the majority of open space and child play space would be delivered in the first phase.

In response to further questions from the Committee, Officers provided assurances about the impact on the water supply infrastructure, the accessibility of the gym and the retail unit, health and safety measures in view of high voltage cable at the boundary of the application site, and also the rent levels for the intermediate housing.

On a vote of 6 in favour 0 against and 0 abstentions, the Committee **RESOLVED:**

1. That subject to any direction by the London Mayor planning permission be **GRANTED** at Ailsa Wharf, Ailsa Street, London for the demolition of existing structures/buildings and the redevelopment of the site for a mixed use scheme providing 785 residential units (C3) and 2,954 sqm GIA commercial floorspace (A1/A3/B1/D2) within a series of thirteen building blocks varying between 3 and 17 storeys (Maximum AOD height of 59.88m); the creation of a new access road and the realignment of Ailsa Street; the provision of safeguarded land for a bridge landing; the provision of cycle and car parking spaces; and associated site-wide landscaping and public realm works(PA/16/02692): subject to
2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report:
3. That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the matters in the Committee report

5.2 Land bound by the East India Dock Basin to the west and Orchard Place to the East (PA/16/02249)

Update report tabled.

Paul Buckenham introduced the application for temporary permission (3 years) for the erection of a 3 storey building comprising of a B1(a) (site office) in conjunction with the construction of the London City Island development, along with various enhancements to East India Dock Basin. The application was being brought to the Committee as it affected Metropolitan Open Land (MOL).

Christopher Stacey (Planning Services) presented the report explaining the nature of the site and surrounds, the existing use of the site and the key features of the application. He reported that in addition to the provision of the temporary structure, the plans would provide a range of permanent enhancements to the East India Dock Basin, that would be secured as part of the legal agreement. He also explained the outcome of the consultation and the issues raised.

It was noted that the development would result in the temporary loss of a small area of MOL. However, given the requirement to reinstate the site at the

end of the permission and the range of permanent enhancements to the East India Dock Basin, Officers considered that exception circumstances existed to justify this temporary loss of MOL. The proposed design of the temporary structure was considered to be acceptable. The proposal did not raise any undue amenity issues given the distance between it and the nearest residential properties and the proposed hours of operation. A range of contributions would be secured as set out in the committee report. Officers were recommending that the proposal should be granted planning permission.

The Committee asked questions about the choice of location and the consultation responses regarding: the loss of the temporary education facility on the site, the height of the development and parking and vehicle entry. Confirmation was also sought that the comments from the LBTH Biodiversity Officer had been addressed. In response, Officers explained that due a lack of space within the London City Island site, the proposed accommodation could not be provided on the site. Therefore an alternative site needed to be found to facilitate the next phase of the development. The applicant considered that this site would provide the most suitable location. Officers were mindful of the concerns about the loss of the education facility. However, Officers considered that the merits of the scheme would outweigh this in terms of the impact on the MOL given the proposed enhancements and the temporary nature of the structure.

It was also considered that the scale and height of the development would be appropriate and that it would accommodate less of the site than a two storey building. This would require more floor space to accommodate the proposed use. Steps would be taken to secure a travel plan for the development to manage the access arrangements. It was required that details of the proposed enhancements be submitted before the works within the EIDB could commence. Such plans would need to be agreed by the Council's biodiversity officer.

The Committee also sought reassurances about the time limit on the application and the intended use. Officers reported that any further application would need to be brought before the Committee to be determined and need to be considered on its own merits.

On a unanimous vote, the Committee **RESOLVED:**

1. That planning permission be **GRANTED** at Land bound by the East India Dock Basin to the west and Orchard Place to the East for the Temporary permission (3 years) for the erection of a 3 storey building comprising of a B1(a) (site office) in conjunction with the construction of the London City Island development, along with various enhancements to East India Dock Basin. (PA/16/02249) subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.

3. The Corporate Director of Place's delegated authority to recommend the conditions and informatives in relation to the matters set out in the Committee report

6. OTHER PLANNING MATTERS

None

The meeting ended at 9.00 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair’s discretion. The procedure for considering applications for decision shall be as follows:
 Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council’s website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none"> • Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure). • Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions). • Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions). 	 Council’s Constitution

Agenda Item 5

Committee: Strategic Development	Date: 11 January 2018	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
- the London Plan 2016
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and the Planning Practice Guidance.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the relevant Agenda Item.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 5.1

Committee: Strategic	Date: 11 January 2018	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Elizabeth Donnelly	Ref No: PA/17/02217 - Full Planning Permission
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: Land and Fieldgate Street and Whitechapel Road, Fieldgate Street, London.

Existing Use:

Proposal: Demolition of existing substation and construction of a 20 storey building, including 11,450 sqm of student accommodation totalling 375 rooms; 1,050 sqm of office (B1a) floorspace at ground/first floor level ;70 sqm of commercial floorspace (A3 use) at ground floor level; basement and new pedestrian link to the eastern boundary of the site.

Drawing and documents: See Appendix one

Applicant: Fieldgate Limited

Ownership:

Historic Building: None

Conservation Area: Myrdle Street Conservation Area (adjoining)

2. EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2. The proposed redevelopment of this site for a student accommodation led mix use development is considered to be unacceptable and contrary to planning policy.
- 2.3. The London Plan highlights an existing over-concentration of student accommodation within Tower Hamlets. Whilst the submission has gone some way to demonstrate that there is a need for student accommodation within the borough, it fails to robustly demonstrate that the scheme would deliver a reasonable percentage of affordable rented student accommodation in line with the Mayor of London's Housing SPG. Where a partnership arrangement with a local university is absent, the delivery of affordable student accommodation becomes key to the acceptability of the proposal. On this basis, officers are not in a position to support the proposed student accommodation.
- 2.4. The applicant has indicated that the proposed office space (1,050sqm) at ground and first floor level would be occupied by Business in the Community (BITC). The future occupier of the office space is not a material planning consideration and therefore cannot be given any weight in the determination of this application. Unfortunately, the application submission focuses on the merits of the occupier rather than the merits of the office space. Whilst the proposed B1 (a) floorspace is not considered to be objectionable in principle, the application submission does not seek to provide office space aimed at small and medium enterprises or provide affordable workspace, other than 'discounted office accommodation' for the sole use by BITC. The submission therefore fails to realise the opportunity to contribute to aspirations and objectives of the Whitechapel Vision Master Plan and the City Fringe/Tech City Opportunity Area Framework.
- 2.5. With the proposed pedestrian link, the scheme offers a potential enhancement to the public realm from a connectivity and pedestrian accessibility perspective. However, the application submission demonstrates that there would be a dog legged section at the centre of the route that would undermine the quality of this pedestrian link/ route from an accessibility and design out crime perspective. Despite the submission of further information, this remains unresolved.
- 2.6. The height, scale and massing of the proposed 20 storey development is objectionable. The proposal is significantly disproportionate to the scale of its surroundings, including the adjoining Myrdle Street Conservation Area. It is not considered that the application site can support a building of the proposed scale. The proposal would result in harm to the Myrdle Street Conservation Area, as well as a significant impact upon the character and appearance of the wider townscape. It is not considered that any of the perceived benefits associated with the scheme would outweigh this impact.
- 2.7. The scale and massing of the proposal would also give rise to significant and unacceptable impact upon the amenities of neighbouring residents by way of severe loss of daylight and sunlight, increased sense of enclosure, over bearing impact and loss of privacy with separation distances of approximately 8m at its closest point. The extent of the daylight and sunlight impact is considered to further demonstrate the inappropriateness of a building of the proposed scale on this site.

2.8. Officers also raise significant concerns surrounding the quality of the submission, especially in the context of the proposed scale of development and the complexity of the site constraints. The reasons for refusal and the other shortfalls discussed throughout the report, for example, the highways issues, will demonstrate this. Whilst the applicant team has sought to overcome some of these issues following feedback from officers, the GLA and TfL, the additional information submitted has not resolved the issues. Putting the fundamental objections to the scheme to one side, it is felt that a notable amount of further work would be required to overcome the issues identified and reach an end where the scheme would be deliverable to a high quality.

3. RECOMMENDATION

3.1. That the Committee resolve to **REFUSE** planning permission for the following reasons:

- 1) The application submission fails to demonstrate that the proposed development would provide a maximum reasonable amount of affordable rented student accommodation, that is both deliverable and retainable in perpetuity, contrary to Policy 3.8 Housing Choice of the London Plan (2016); Policy DM6 Student Accommodation of the Managing Development Document (2013) and the guidance set out in the Mayor of London's Housing SPG (2016),
- 2) The scale, height and massing of the proposed building would mark a departure from the scale of its surroundings and give rise to a disproportionate and overpowering addition to the surrounding existing built form and an unacceptable level of harm upon the setting of the Myrdle Street Conservation Area wider townscape contrary to Policies 7.4 Local character, 7.7 Location and design of tall and large buildings, 7.8 Heritage assets and archaeology of the London Plan (2016); Policy SP10 Creating distinct and durable places of the Core Strategy (2011); Policies DM24 Place sensitive design, DM26 Building heights, DM27 Heritage and the historic environment of the Managing Development Document (2013) and the Myrdle Street Conservation Area Appraisal.
- 3) Due to the excessive scale and massing of the building, the proposed development would result in an unacceptable level of harm upon neighbouring amenity by way of significantly reduced daylight and sunlight, overbearing impact, increased sense of enclosure, increased overlooking and loss of privacy contrary to Policy DM6 Student Accommodation and DM25 Amenity of the Management Development Document (2013).
- 4) The proposed development is unsatisfactory with regards to cycling, including the accessibility of the proposed cycle storage, the quantum of cycle parking spaces and the nature of the of the cycle storage, contrary to Policy 6.9 Cycling of the London Plan (2016); Policy SP09 Creating attractive and safe streets and spaces of the Core Strategy (2010); Policy DM20 Supporting a sustainable transport network and Annex 2 Standards (parking) of the Managing Development Document (2013).
- 5) The application submission is insufficient in demonstrating the acceptability of the proposed Blue Badge holder car parking arrangement (within the existing neighbouring basement) in relation to both its relationship with the proposed development and its impact upon the existing neighbouring development contrary to Policy 6.13 Parking, Parking Addendum to Chapter 6, Table 6.2 of the London Plan (2016) and Policy DM22 Parking and Annex 2 Standards (parking) of the Managing Development Document (2013).

- 6) In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for employment, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan (2016) and LBTH's Planning Obligations SPD (2016).

4. SITE DESCRIPTION AND PROPOSAL

- 4.1. The applicant is seeking planning permission for the demolition of the existing substation and the construction of a 20 storey building, including:

- 375 rooms of student-accommodation
- 1,050sqm of B1(a) office floorspace at ground and first floor levels
- 70sqm of A3 cafe floorspace at ground floor level
- Pedestrian link to the eastern boundary of the site

Proposed student accommodation

- 4.2. The proposed student accommodation would be located at the upper storeys from 2nd floor level upwards and would be accessed at ground floor level off Zabadne Way. The student accommodation would be served by three lift cores and a staircase.
- 4.3. The applicant has suggested that 10% of the proposed 375 rooms would be affordable although no details have been submitted in relation to the affordable provision in terms of rent levels and eligibility/ allocation criteria.
- 4.4. The proposed accommodation would have a mix of self-contained units and non-independent units with communal facilities.
- 4.5. The proposal also includes external amenity space at both the 9th floor and 19th floor to be used in conjunction with the student accommodation.
- 4.6. At 9th floor level, there would also be 132sqm of internal amenity space, referred to as 'sky lounge area' within the submission.

Proposed office floorspace

- 4.7. The proposed office floorspace would be located at ground and first floor levels and would be served by a designated lift and staircase. . The application submission makes reference to the provision of the office use at discounted rates but this has not been secured by way of a legal s106 agreement.
- 4.8. The office space would be accessed off Zabadne Way at ground floor level.

Proposed commercial floorspace

- 4.9. The proposed commercial unit would be located at ground floor level, fronting Fieldgate Street. The application form states that this would be in A3 café/restuarant use.

Proposed built form

- 4.10. The proposal seeks a 20 storey building, measuring 78m in height. The proposal includes a basement level where the cycle storage, refuse storage, laundry room and plant room are located.
- 4.11. The proposed building would also encase the existing entrance ramp to the basement associated with the existing building to the rear. As a result the proposed building would be constructed up to the far western boundary of the site.
- 4.12. The proposed building would front Fieldgate Street; the proposed building line would align with the existing building to the west, with the exception of the south-eastern corner of the building which is slightly chamfered. The building is also set back at 9th floor level, from both the south (front) and west (side) elevations, giving rise to a podium/tower relationship. The massing is set back by 2.5m from the southern elevation (front), reducing to a setback of 1.1m at the chamfered corner. It is set in by 7.1m from the western elevation.
- 4.13. The building includes a crown of 5.4m, behind which a stair enclosure and lift overrun that project to a maximum of 3.8m above roof level would be located. A BMU (Building Maintenance Unit) would also be located at roof level and project a further 2.3m above the lift overrun. The proposed scale and massing is illustrated in Figure 1.1 and 1.2 below.



Figure 1.1: The proposed building in its immediate context

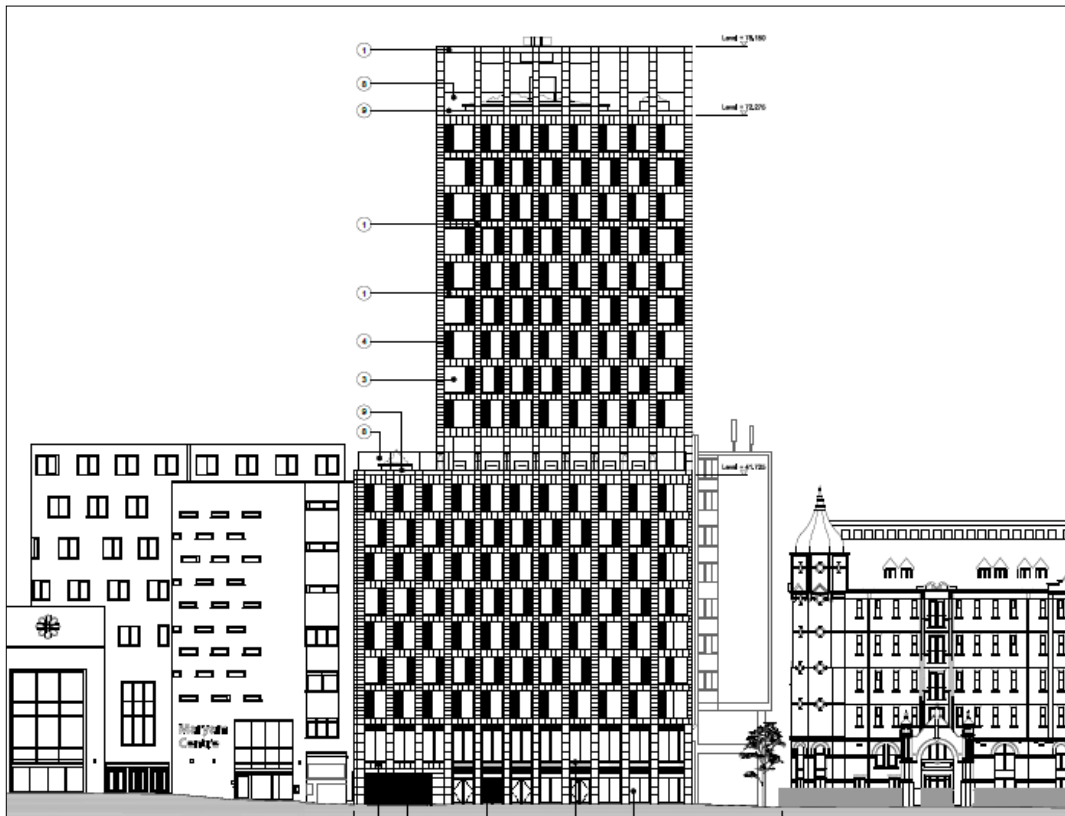


Figure 1.2: Fieldgate Street proposed elevation

- 4.14. In terms of architectural detailing and materiality, the building includes a regular fenestration pattern, comprising an arrangement of mullions, ventilation hatches, glazing and solids.
- 4.15. At ground floor and first floor level, the elevational treatment is mainly glazed with vertical piers running to ground level.

Proposed public realm works

- 4.16. The proposal includes the provision of a pedestrian route between Fieldgate Street and Whitechapel Road.
- 4.17. The proposed route would join up with the first part of the route approved under planning permission PA/15/03518 which relates to the site to the rear (100 Whitechapel Road). The pedestrian route is referred to as Zabadne Way throughout the application submission. Figure 1.3 shows the proposed pedestrian route and its relationship with the approved part of the link.



Figure 1.3: shows proposed pedestrian link together with the 'join' with approved section

5.0 Site and Surroundings

- 5.1 The site is located on the northern side of Fieldgate Road, opposite to the junction with Settles Street. To the rear (north) of the site lies the part 8 part 9 storey former Brunning House building (100 Whitechapel Road) which has now been converted to an Ibis hotel. To the west and north west of the site is the East London Mosque complex which is 8 storeys at its tallest part. The neighbouring building to the east of the site, Tower House, is a 7 storey residential building.
- 5.2 The application site itself is currently vacant and in temporary use as a contractor's compound in association with the redevelopment of the neighbouring site. Previous to this, the site comprised a two storey commercial building that was in use as a vehicle repair workshop. The building has now been demolished.
- 5.3 The western part of the site does however include a vehicular ramp that provides access to the basement of the neighbouring building located to the rear of the site (hotel development).
- 5.4 The Myrdle Street Conservation Area lies to the immediate east and west of the site, encompassing Tower House. Tower House is characterised by red brick, decorative entrances and turret book ends. Settles Street which is opposite to the site also lies within the Conservation Area and comprises terraced 3 storey residential properties. The below map demonstrates the proximity of the site to the Conservation Area (the red line/map are not to scale).

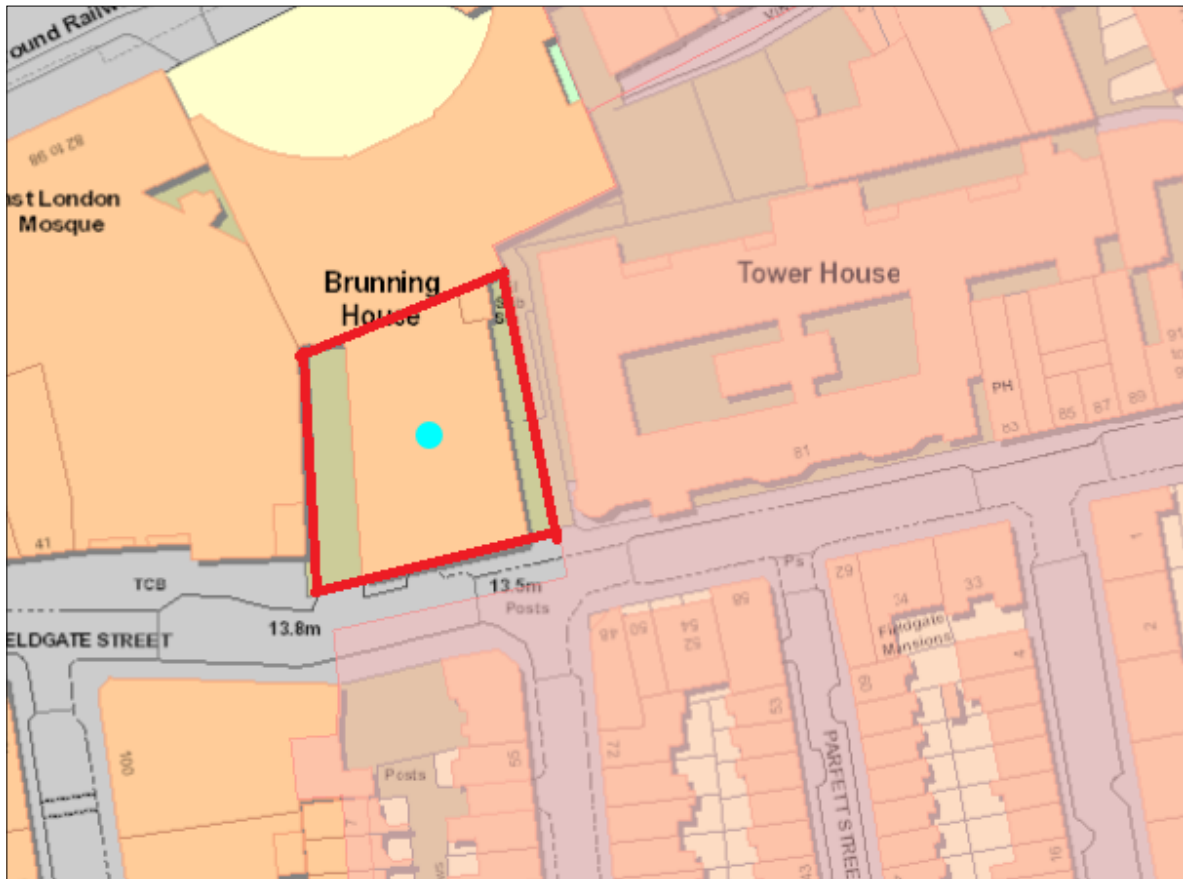


Figure 1.4: Map showing proximity of site to Myrdle Street Conservation Area

- 5.5 The site is located within the Whitechapel Masterplan boundary and forms part of an Archaeological Priorities Zone. The site is however just outside of the Central Activities Zone (CAZ), which lies to the west, and the Whitechapel District Centre, to the east.
- 5.6 Further to this, the site is located within the 'outer core' designation of the City Fringe 'core growth area' as identified by the City Fringe/Tech City Opportunity Area Framework (OAPF).
- 5.7 In terms of public transport and accessibility, the site has a PTAL rating of 6a.

6.0 Relevant Planning History

Application Site

6.1 PA/13/03049

On 2nd March 2015, an application for planning permission was withdrawn by the applicant. The application related to the land at No.100 Whitechapel Road, Fieldgate Street and Vine Court (including the current application site).

Previous to this, the application was recommended for approval by Planning Committee, but referred to the GLA at Stage 2 and was not supported by the Mayor. The proposal sought:

'The demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 185 dwellings (comprising 10 studios; 65 x 1 bed; 71 x

2 bed; 27 x 3 bed; 12 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail, office and restaurant spaces (Class A1, A2 and A3), café (A3); 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works’.

PA/17/02395

On 31st October 2017, a request for a screening opinion as to whether an Environmental Impact Assessment is required for a proposed development (PA/17/02217) at Fieldgate Street was submitted. Upon review of the application, LBTH considered that the proposed development did not require an EIA to be undertaken to accompany the planning application.

Other relevant sites

6.2 PA/09/00159 (Land to the rear of the East London Mosque and Cultural Centre and 45 Fieldgate Street)

On 4th May 2010, planning permission was granted for:

‘The redevelopment of the site to the rear of the East London Mosque, including the construction of a part 6/ part 7 storey building and the provision of:

- *Car-parking and funeral facilities at basement level*
- *Mosque - new prayer hall, at ground floor, upper ground floor and first floor level (Use Class D1),*
- *Multi-purpose Hall (Use Class D1) and offices (Use Class B1) at second floor level,*
- *A new secondary school for girls (Use Class D1) at 3rd and 4th floor level,*
- *Women's Gym and associated facilities (Use Class D2) at fifth floor level, and;*
- *Ancillary residential accommodation for use by visitors and staff of the Mosque consisting of 2 x 3 bedroom flats at sixth floor level.’*

6.3 PA/10/01659 (100 Whitechapel Road)

On 22nd November 2010, planning permission was granted for:

‘The part change of existing office building (Use Class B1 - 4,059sqm) to 169 bedroom hotel (Use Class C1 - 4,181sqm), together with external refurbishment works, single storey side extension and excavation to provide basement lift access, erection of refuse store at first floor level together with refuse chute to ground floor level, erection of roof plant enclosure at first floor level, cycle, disabled and coach parking, and associated ancillary works.’

6.4 PA/13/01168 (100 Whitechapel Road)

On 11th November 2013, planning permission was granted for:

‘The extension and alteration of the existing hotel (C1) to provide 119 additional bedrooms, together with extension and change of use of part of existing ground floor car showroom to flexible retail and/or commercial uses (Classes A1, A2, A3).’

6.5 PA/15/01420 (100 Whitechapel Road)

On 19th June 2015, prior approval was given for:

'The demolition of the buildings on the site.'

6.6 PA/15/03518 (100 Whitechapel Road)

On 15th July 2016, planning permission was granted for:

'The demolition of the vehicle showroom and erection of an aparthotel (C1) with commercial uses (A1, A2, A3 and A5 to ground floor), including the first phase of a link between Whitechapel Road and Fieldgate Street.'

Pre-application/ background

- 6.7. To provide background, the applicant team underwent pre-application discussions with the Council. The applicant also sought the pre-application advice of the GLA. During this process, the applicant team were made aware of key issues surrounding the proposed development. These included the necessity to demonstrate the acceptability and justify the proposed land uses and the unacceptability of the proposed scale of development.
- 6.8. Officers also met with the applicant team during the planning application process and provided clear feedback surrounding the Council's position following the assessment of the scheme. At this meeting, officers were presented with 44 letters of support for the scheme. The letters of support are generic in nature and written on paper headed with 'Bamfords Trust Plc' (the applicant).
- 6.9. Following this meeting with the applicant team, officers were willing to enter into a PPA with the applicant with the purpose of addressing Council concerns and working positively and proactively towards a solution. Nevertheless, the applicant subsequently outlined in various letters/emails that they would only amend the scheme if officers would agree to a 17 storey scheme. This is not considered to reflect the spirit of a PPA and even so, a 17 storey scheme was not considered to provide a solution to the issues. On this basis, officers progressed to determine the application as submitted; the applicant team has however submitted additional information throughout the application process.

7.0 POLICY FRAMEWORK

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.1.1 The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

7.2 Government Planning Policy Guidance/Statements

National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)

7.3 Spatial Development Strategy for Greater London - London Plan 2016 (MALP)

Policies

- 2.1 London
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.8 Housing Choice
- 4.1 Developing London's economy
- 4.2 Offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.10 World heritage sites
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.26 Blue Ribbon network and freight
- 8.2 Planning obligations

8.3 Community Infrastructure Levy (CIL)

7.4 Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP13 Planning Obligations

7.5 Managing Development Document (adopted April 2013) (MDD)

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM6 Student accommodation
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land
- Annex 2 Standards: Parking

7.6 Emerging Planning Policy

The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains

limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

7.7 **Supplementary Planning Documents include**

Myrdle Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

London Housing SPG (Mayor of London 2016)

Planning Obligations SPD (LBTH September 2016)

London View Management Framework SPG (Mayor of London - March 2012)

SPG: Planning for Equality and Diversity in London (Mayor of London - October 2007)

SPG: Accessible London: Achieving an Inclusive Environment (Mayor of London - April 2004)

City Fringe / Tech City Opportunity Area Planning Framework (OAPF) adopted by the Mayor of London on 31 December 2015

8 **CONSULTATION RESPONSE**

8.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

8.2 The following were consulted regarding the application:

Internal Responses

LBTH Environmental Health – Food Safety

8.3 Environmental Health has provided comments in relation to the proposed food business. These include a list of requirements for kitchen and food handling facilities. They also outline that food businesses must be registered with the Environmental Health department at least 28 days before opening. It is also noted that floor plans showing layout, equipment and services must be submitted to the Food Safety Team for consideration.

LBTH Environmental Health - Air Quality

8.4 No response provided.

LBTH Enterprise and Employment

The LBTH Enterprise and Employment team have recommended the planning obligations that would be required to mitigate the impact of the development should the scheme be approved.

- At the construction phase

8.5 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets. To ensure that local

businesses benefit from this development, it is expected that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

- 8.6 The Council would also seek to secure a financial contribution of £50,280 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

- At the end-user phase

- 8.7 The Council would also seek a monetary contribution of £29,897 towards the training and development of unemployed residents in Tower Hamlets to access either: jobs within the B1 (a) and A1 parts of the development or; jobs or training within employment sectors relating to the final development.

LBTH Sustainability

- 8.8 Further information is required in order to assess the acceptability of the scheme in this regard.

- 8.9 The current proposals have sought to implement energy efficiency measures and a communal CHP system. The proposed CO2 emission reduction savings fall short of the policy requirements and the applicant should revisit the proposals to seek to delivery 45% reduction on site, including the integration of renewable energy technologies where feasible.

- 8.10 It is also important for the applicant to demonstrate that the proposed CHP is a suitable technology for this scale of development and provide thermal profiling that was undertaken during the decision making process. In addition to this, the application submission is lacking details of the plant room and a schematic of the proposed system demonstrating that it will serve all parts of the development.

LBTH Environmental Health – Noise and Vibration

- 8.11 No response

LBTH Refuse

- 8.12 It is proposed that the refuse storage that would be located at basement level is mixed with other services. This is not acceptable; waste should be stored separately from all other services.

- 8.13 With regards to the proposed waste collection service, the applicant should ensure that there is, or will be, a dropped kerb from bin store to collection point. It should also be demonstrated that the trolleying distance is no more than 10 metres from the bin store to proposed loading bay. The applicant is also required to demonstrate that tenants are not required to carry their waste more than 30 metres to the bin store.

- 8.14 It is also recommended that there is a dedicated storage area for bulky waste. This has not been included in the proposal.

LBTH Highways

- Car parking

- 8.15 The application should provide a minimum of two on-site parking spaces for Blue Badge holders (in line with the Local Plan); only one has been provided. Further to this, this space is not located within the red line boundary, nor is it shown on the plans. We are therefore not able to assess whether it is appropriately located.
- Cycle parking
- 8.16 Highways objects to the proposed level of cycle parking for students. The proposed 228 spaces are 147 spaces short of the minimum level specified in Appendix 2 of the Managing Development Document.
- 8.17 The proposed access to the student cycle store is unacceptable. The scheme should provide access to cycle parking that encourages its use by providing direct, unimpeded access to storage. The route at basement level between the lift and cycle store is unnecessarily circuitous and is likely to have the effect of suppressing cycle use.
- 8.18 TfL's comments in relation to the type of cycle parking are supported. The applicant should also provide a maximal provision of Sheffield stand (or similar) type cycle parking. Cycle parking that does not provide any of this type of cycle parking is not supported by Highways.
- Servicing
- 8.19 Servicing from Fieldgate Street is acceptable, subject to the following issues being resolved: the applicant has not set out how they would minimise the number of delivery trips generated by the site and how deliveries to individual students would be collected, stored and distributed within the development.
- 8.20 A Delivery and Service Plan should be secured to any permission by condition.
- Public realm
- 8.21 The applicant makes reference to servicing arrangements (and the necessary highway alterations to facilitate the proposed loading bay) that were agreed in relation to a previous proposal. This application submission does not include details of the proposed works in relation to the proposed development. Auto tracking diagrams would also be required in order to demonstrate that the largest vehicles to serve the site can access and egress the proposed loading bay without unduly affecting the safety and operation of Fieldgate Street.
- 8.22 The scale and location of the application would also necessitate a Construction Logistics Plan to be secured by condition.

LBTH Biodiversity Officer

- 8.23 The existing site has negligible biodiversity value; as a result, there would be no adverse impacts on biodiversity.
- 8.24 The proposed planting includes street trees (Robinia); these are invasive non-native species. They can also cause pavement damage and have a tendency to inherent structural weakness and poor defence to decay following pruning. Robinia is therefore not supported.
- 8.25 The proposed rain gardens and trees on the 9th and 19th floors would be of very little biodiversity value. The mixed shrub and herbaceous planting proposed for the podiums

would benefit bees and other pollinating insects and therefore contribute to a Local Biodiversity Action Plan (LBAP) target.

- 8.26 The Ecology Report recommends 4 x swift boxes as an ecological enhancement. These have not been included on the plans, but should be secured by condition.

Sustainable Urban Drainage (SUDS) officer

- 8.27 No response

External responses

London Underground

- 8.28 London Underground Infrastructure Protection had no comment to make on this planning application.

Historic England (Archaeology)

- 8.29 The site lies within an Archaeological Priority Area relating to the Roman Road to Colchester and the mediaeval and post-mediaeval development of Whitechapel. Historic England has not been able to find an archaeological desk-based assessment for the proposals in the submitted material. It is advised that the LPA require one to be submitted to inform a development decision, in keeping with the NPPF and Local Plan policies.

- 8.30 It is therefore recommended that further studies (desk based assessment) are undertaken and submitted.

Crime Prevention Office (Metropolitan Police)

- 8.31 The proposals include shared space with Ibis and Adagio hotels at basement level. This is not best practice; these spaces need to be robustly segregated.

- 8.32 Further information is required in relation to the access at basement level, including details of the gate.

- 8.33 The proposal for Zabadne Way must achieve the following to achieve legitimate use: be wide, open, well-illuminated and well-overlooked.

- 8.34 A planning condition, requiring Secure by Design accreditation should also be added.

Thames Water Utilities Ltd.

- 8.35 From the information provided within the application submission, Thames Water have been unable to determine the waste water needs of this application. Should the LPA look to approve the application ahead of further information being provided, Thames Water request that a Grampian style condition, concerning the submission of a drainage strategy, is added.

- 8.36 It is also recommended that a piling method statement is secured by condition and that an informative advising of the minimum pressure for water that they would be able to supply for future residents is added.

National Air Traffic Services Ltd (NATS safeguarding)

- 8.37 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS have no objection to the proposal.

Crossrail Ltd

- 8.38 The site of this planning application is identified outside the limits of land subject to consultation under the Safeguarding Direction. The implications of the Crossrail proposals for the application have been considered and it is confirmed that Crossrail Ltd do not wish to make any comments on this application as submitted.

Greater London Authority/ Transport for London

- 8.39 The Mayor considered the application at Stage 1 on 30th October 2017.
- **Principle of development:** student accommodation is supported in principle; however affordable bedrooms must be provided in lieu of a partnership with an academic institution. A financial viability assessment is required which will be robustly assessed to determine an appropriate level of affordable accommodation. The affordable office floorspace is strongly supported, subject to information on proposed discount.
 - **Urban Design:** further information is required on: the proposed public realm link; the ground level changes surrounding the site; and opportunities to provide windows in corridors at lower levels should be considered.
 - **Energy:** details of the following are required: cooling demand; the site heat network and the combined heat and power network; and feasibility of renewable technologies.
 - **Transport:** Existing car parking provision/basement details required; proposed location and access to cycle parking must be clarified; pedestrian environment review audit must be provided; Crossrail payment required; and delivery and servicing assessment and construction logistics plan required.
 - **Summary:** *“That Tower Hamlets Council be advised that the application does not comply with the London Plan for the reasons set out; however the resolution of those issues could lead to the application becoming compliant with the London Plan”*

- 8.40 No comments received from the following consultees:

- London Ambulance Service NHS Trust
- London City Airport

9 LOCAL REPRESENTATION

- 9.1 A total of 1066 neighbouring properties were notified about the application and invited to comment. This is illustrated on the map appended to this report. The application has also been publicised on site, by way of a site notice and advertised in the local press (East London Life).
- 9.2 12 letters have been submitted in objection to the proposal. A further 44 letters of support have also been submitted. It should be noted that applicant team presented the 45 letters of support to officers at a meeting. 44 of the letters are on headed paper, titled ‘Bamfords Trust Plc’ and all made the following point:

"I write in support of the above application. I consider the proposals will generate significant benefits to the local area and community. I would hope that this scheme is supported and that the Council will grant consent without undue delay."

The further letter of support was received from the neighbouring East London Mosque. The letter outlines support for the pedestrian link, suggesting that it would benefit the public and help improve the area. It is also suggested that it would relieve a burden on the Mosque and Centre that is being used as a shortcut to go between Whitechapel Road and Fieldgate Street which is adding to security concerns.

9.3 The letters of objection raised the following concerns.

Land use

- There is already student accommodation nearby.

Design and heritage

- Inappropriate and massive over-development of sensitive site
- Out of scale with the surrounding streetscape
- Grossly overbearing and unsightly
- It should be no taller than the Ibis hotel development
- Far too tall for this location
- The architects have no knowledge of the area and no feel for the community
- It would ruin the fabric and character of this historic, low rise neighbourhood
- If a 20 storey high building is built it would ruin the classic looks of the conservation area.

Neighbouring Amenity

- Windows of units within Vine Court would face the tower; the only daylight and amenity enjoyed would be destroyed and most severely degraded
- It will block daylight from all buildings to the east of it

Local infrastructure

- The local infrastructure cannot cope with the existing numbers in the area; it would deprive the existing residents and business of the environmental amenity they are entitled to expect.
- No amenity space for such a huge number of additional people in this tiny, overcrowded neighbourhood already crammed with people.
- Will make the area more overcrowded, deprived and congested; there is no amenity space or proper facilities for these people.

- It does not offer any benefit to the local people.

Highways

- Travel congestion
- Existing refuse problem in local area associated with existing student accommodation; collection is very noisy and is disturbing in the narrow streets
- Where there are activities at the Mosque, the streets and pavements throughout the area are jammed; access for residents becomes nearly impossible.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the committee must consider are:

- Land use
- Design and heritage
- Neighbouring amenity
- Highways and transportation
- Energy and sustainability
- Biodiversity
- Air Quality
- Archaeology
- EIA
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

Land use

General Principles

- 10.2 At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to significantly boost the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 10.3 The proposal seeks the redevelopment of the site and the introduction of student accommodation, B1 (a) office floorspace and an A3 commercial unit.
- 10.4 The site forms part of the City Fringe/ Tech City Opportunity Area Framework (OAPF) adopted by the Mayor of London on 31st December 2015. The OAPF identifies the site as part of the Outer Core Growth Area, where a significant amount of employment floorspace is expected as part of mixed use schemes.
- 10.5 The site is also located within the Whitechapel Vision Masterplan boundary. The Whitechapel Vision Masterplan SPD (2013) seeks to manage the expected growth in Whitechapel and create a place that secures the benefits of growth for the community.

The three guiding principles are to 1) Strengthen Whitechapel's District Centre, 2) Promote Sustainable Communities and 3) Deliver High Quality Places.

- 10.6 Fieldgate Street is located within the 'Cultural, Community and Creative Quarter' of Whitechapel which is recognised for its rich existing creative industry sector. In line with the principles set out in the aforementioned OAPF, the provision of flexible workspace for local Small and Medium Enterprises is therefore outlined as being particularly important in this location, as is the protection, enhancement and refurbishment of business space for new start-ups.
- 10.7 Further to this, the Whitechapel vision highlights the importance of the existing faith and charitable organisations within this quarter due to their role in promoting social cohesion and reducing social deprivation. On this basis, the Masterplan seeks to support and enhance their provision through infrastructure improvements.
- 10.8 The Whitechapel vision also proposes an open space and movement strategy which seeks to improve the arrival experience and significantly enhance public realm and connectivity through new proposed routes and public squares linking key activity hubs and open spaces to and around Whitechapel Road. The proposed, and partially approved, pedestrian link through from Fieldgate Street to Whitechapel Road is cited within the strategy as a 'proposed tertiary route'.

Loss of the existing use

- 10.9 The site is currently vacant, albeit used for the storage of construction materials associated with the redevelopment of a neighbouring development.
- 10.10 There is an existing substation on the site. The application submission does not provide any information relating to this substation, including what development it currently serves and whether it is proposed that it is reprovided as part of the proposed development. If otherwise acceptable, officers would have sought further information in this regard.

Proposed student accommodation

- 10.11 The proposed development seeks 375 rooms of student accommodation, spread over 17 floors of the proposed development.
- 10.12 London Plan (2016) Policy 3.8 'Housing Choice' identifies the significance of the contribution that London's universities make to the economy and labour market and states that it is important that their attractiveness and potential growth are not compromised by an inadequate provision of new student accommodation. It is also noted that new provision may also reduce pressure on other elements of the housing stock currently occupied by students, especially in the private rented sector.
- 10.13 It is however maintained that addressing such demands should not compromise capacity to meet the need for conventional dwellings, especially affordable family homes, or undermine policy to secure mixed and balanced communities. The London Plan further states that this may raise particular challenges locally, and especially in four central London boroughs, including Tower Hamlets, where 57% of provision for new student accommodation has been concentrated.
- 10.14 The Mayor seeks proactive partnership working, for example, between developers and relevant bodies, such as universities and the Mayor's Academic Forum, to ensure that proposals for student accommodation meet identified local and strategic need for student

accommodation and secure accommodation which is more affordable for the student body as whole.

- 10.15 On this basis, if a developer is not working in partnership with a university or other relevant body, the development should, subject to viability deliver an element of student accommodation that is affordable for students. The methodology for this is set out in the London Housing SPG.
- 10.16 Policy SP02 of the Core Strategy (2010) seeks to provide for the specialist housing needs of the borough with regards to student accommodation, but maintains that developers should work with the borough's universities to enable the appropriate provision of student accommodation that meets identified need. It also guides proposals for student accommodation to locations that are adjacent to existing university campuses and in areas of good public transport accessibility.
- 10.17 Policy DM6 of the Managing Development Document (2013) states that the provision of purpose-built student accommodation will only be supported in locations identified within the Core Strategy. It also sets out the requirement to contribute to the provision of affordable housing where the proposed accommodation is not exclusively for accredited colleges or universities.
- 10.18 In light of the above policy basis, the Council's assessment of the acceptability of the proposed student accommodation from a land use perspective will have regard to whether the proposed development responds to an identified need for student accommodation in the proposed location and whether the location is appropriate with regards to its proximity to a university and public accessibility.
- 10.19 Secondary to this, officers will have regard to whether the proposed development meets planning policy in terms of providing an appropriate contribution to affordable student housing.
- Local need
- 10.20 As outlined above, developers are encouraged to work in partnership with the borough's universities to address identified need for student accommodation. In the absence of a partnership of this nature, officers expect proposals to be supported by robust evidence and justification that the proposed development meets an identified local need. This is considered to be especially important in the context of the existing over-concentration of student accommodation within Tower Hamlets as highlighted by the London Plan.
- 10.21 The application submission was originally submitted without any justification in this regard. Following discussions with the Council and the GLA surrounding the absence of this information, the applicant submitted a 'London market report on student accommodation', prepared by Knight Frank.
- 10.22 The report has regard to the London Student Market as a whole; comparing the amount of full time students in London to those currently living outside of university or purpose built student accommodation. It also has reference to the London Development Pipeline (July 2017) with regards to student accommodation.
- 10.23 This report has no regard to Tower Hamlets in isolation. Many of the comparable schemes that have been cited are however located within the Borough. Whilst this does not provide any information surrounding the demand for student accommodation in this location in the applicant's favour, it does work to demonstrate the amount of existing student accommodation within the local area and their proximity to the application site.

The majority of which are within half a mile of the application site which would suggest that there is a concentration of student accommodation within the local area surrounding the application site. The letters of objection submitted in relation the proposal also make reference to the existing amount of student accommodation nearby. This is illustrated in the table (table 1.1) below:

Scheme	Address	No. student beds	Proximity to application site (walking)
Liberty Plaza	65 Leman Street, E1 8EU	618	0.5 miles
The Curve	14 Fieldgate Street, E1 1ES	350	358 feet
Magenta House	5 Tyrian Place, E1 1DQ	187	0.2 miles
Pure Aldgate	60 Commercial Road, E1 1LP	417	0.5 miles
Chapter Aldgate	1-2 Education Square, E1 1FA	346	0.3 miles
Chapter Spitalfields	9 Frying Pan Alley, E1 7HS	1117	0.6 miles

Table 1.1: Existing student accommodation provision within the locality

- 10.24 At a later date, the applicant submitted a further report, titled ‘Central London Demand Study – Fieldgate Street – demand profile and market analysis’, also prepared by Knight Frank. This report has regard to the full time student population within a 2.5m radius of Fieldgate Street, the existing supply of student accommodation and the demand for further student accommodation within this radius.
- 10.25 The report provides some relevant data and suggests that within this 2.5m radius there is further demand for purpose built student accommodation. It also has regard to Queen Mary’s University which is located within Tower Hamlets and suggests that there are not enough capacity at present to accommodate Queen Mary’s students.
- 10.26 The Core Strategy requires proposals of this nature to respond to “an identified need for student accommodation”. With this in mind, it is considered that the aforementioned report goes some way to demonstrate a need for further student accommodation within a 2.5m radius of the site. It also highlights some need in relation to students that attend Queen Mary’s University. It is however acknowledged that without a partnership arrangement with Queen Mary’s, there is no security that the proposed provision would accommodate students from this University, especially given the proximity of the site to public transport.
- 10.27 Further to this, DM6 ‘Student Accommodation’ seeks to “ensure that the supply of student housing is managed to meet identified need without compromising the delivery of other important uses, in particular housing”.
- 10.28 It is acknowledged that the constraints of the site limit its potential to deliver a significant quantum of housing. The area is however identified by the Whitechapel Vision as a rich creative industry sector, where the further provision of flexible work space for Small and Medium Enterprises and new start ups are encouraged. The site is also located within

the Core Growth Area of the City Fringe/Tech City where the strategic objective is to deliver a significant amount of employment floorspace.

- 10.29 As the proposed quantum of student accommodation inhibits the opportunity to maximise the aforementioned uses on the site, further emphasis falls on the importance of providing robust justification surrounding the appropriateness and acceptability of the proposed student accommodation as a land use.
- 10.30 Whilst it is not felt that Council policy enables officers to object on this basis, it is not considered that robust conclusions, that fully consider site specific issues (for example, the localised concentration of student accommodation) have yet been drawn from the data provided.
- Affordability
- 10.31 The proposed development seeks to bring forward purpose built student accommodation independent of a partnership arrangement with a university. Therefore, as set out in the relevant policies referred to above, the development is required to deliver an element of student accommodation that is affordable for students. This is subject to viability testing; the London Housing SPG sets out in detail how this exercise should be undertaken, including a formula that expresses, in values, what affordable student accommodation rent is. This is a relatively intricate process and differs from the way in which general needs affordable housing is calculated. Therefore, it is vital that the applicants have regard to the London Housing SPG when addressing this policy requirement.
- 10.32 The original application submission provided no details of affordability. Following communication with the GLA and the Council regarding this requirement, the applicant submitted a financial appraisal and build cost report.
- 10.33 These details were not accompanied by the written narrative that would usually form part of a financial viability report. The approach to the viability testing also has no regard for the London Housing SPG, for example, the student accommodation is expressed in sales values rather than rental values.
- 10.34 The applicant has further stated in an email that whilst the development is not considered to be viable, the decision has been made to provide 10% affordable student accommodation anyway. The London Housing SPG requires the delivery of a percentage of the units at an affordable rent, in line with a specified formula that defines affordable student commotion. Officers are therefore unsure how this 10% would be secured and delivered.
- 10.35 Therefore, as currently proposed, the proposal fails to provide a proportion of affordable rented student accommodation in line with policy requirements. As this is crucial to the acceptability of purpose-built student accommodation, the scheme is therefore unacceptable and is refused on this basis.

Proposed office floorspace

- 10.36 The proposed development seeks to provide 1,050sqm of office (B1a) floorspace at ground floor and first floor level.
- 10.37 Core Strategy Policy SP06 'Delivering successful employment hubs' seeks to maximise and deliver investment and job creation in the borough and promotes the creation of a sustainable, diversified and balanced economy by ensuring a sufficient range, mix and

quality of employment uses and spaces, with a particular focus on the small and medium enterprise sector.

- 10.38 Policy DM15 'Local job creation and investment' of the Managing Development Document (2013) also states that new employment floorspace will need to provide a range of flexible units, including units less than 250sqm and less than 100sqm to meet the needs of Small and Medium Enterprise (SMEs). The Council's policy position in relation to employment space aligns with the Whitechapel Vision for the area surrounding the application site.
- 10.39 When referring to the provision of employment floorspace in new development (including mixed-use development), policy supports proposals for new B Class employment space, including securing new affordable workspace as part of major employment developments. The City Fringe OAPF states that for sites in the core growth areas, applicants should seek to incorporate a proportionate level of affordable workspace that is flexible and/ or suitable for occupation by micro and small enterprises.
- 10.40 The submission material lacks any explanation of how the workspace is to be managed post-construction and, where appropriate, evidence of agreement of lease of the workspace to a workspace provider. This is to ensure that the floorspace will be useable and viable for use by micros and small enterprises and managed accordingly.
- 10.41 The proposed development includes 1,050sqm of office floorspace. Officers raise no objections to the principle of B1 (a) office as a land use. However, the Council's planning policy and the relevant supplementary guidance, including the Whitechapel Vision and the City Fringe OAPF, require development to also contribute to the small and medium enterprise sector and incorporate a proportionate level of affordable workspace that is flexible and/or suitable for occupation by micros and small enterprises.
- 10.42 It is proposed that Business in the Community (BITC) would occupy the floorspace. BITC is a business-led, issue-focused charity with more than 30 years' experience of mobilising business. The application submission states that the office space would be occupied by BITC on a rent-free basis. The future occupier of the office space is not a material planning consideration and therefore should not be given weight in the determination of the planning application.
- 10.43 The socio-economic report submitted with the application has regard to the employment generation associated with BITC which is a planning consideration. In line with policy, Officers are supportive of uses that will generate local employment.
- 10.44 On face value, the proposed development also seeks to provide affordable workspace. However, following the Council's and the GLA's attempts to obtain further details regarding the nature of the affordability, it would appear that the submission is referring to an arrangement between the applicant and BITC, rather than a defined strategy to deliver affordable workspace, from which the Council can secure details surrounding rent discount and management of the space to ensure the continued affordability of the space, and can be secured by way of a legal planning obligation.
- 10.45 On this basis, the application submission is seeking to demonstrate the merits of the proposed office space through presenting information relating to the occupier (BITC). Like the GLA, the Council would support and welcome the relocation of BITC into the borough and do not dismiss the merits of the occupier themselves as a business-led charity. However, the planning consideration in this regard relates to the nature of the affordable workspace and the ongoing contribution it can make, rather than the occupier itself. As currently proposed, the planning process cannot secure the arrangement

between the applicant and proposed occupier; this is therefore not considered to constitute a material consideration.

- 10.46 Therefore, whilst officers do not object to the principle of B1 (a) employment floorspace in this location, it is considered that the proposal fails to maximise an opportunity to contribute towards the small and medium enterprise sector as per the aspirations of the Whitechapel Vision and City Fringe/ Tech City OAPF.

Proposed café/ restaurant unit (A3)

- 10.47 The proposed development includes a small commercial unit that would comprise 70sqm of A3 floorspace and front Fieldgate Street.
- 10.48 Policy DM1 of the Managing Development Document (2013) 'Development within the town centre hierarchy' seeks to direct A3 uses to the CAZ and town centres.
- 10.49 However, further to this, Core Strategy Policy SP01 'Refocusing on our town centres' encourages development to promote areas outside of town centres, as places that support and assist in the creation of sustainable communities. It further states that this can be achieved by promoting mixed use development at the edge of town centres and introducing supporting uses that are local in nature and scale.
- 10.50 As the proposed café/ restaurant unit would support the proposed office and student accommodation uses and be local in nature and scale, officers consider this to be acceptable, and would not result in an over concentration in this location.
- 10.51 In addition to providing services for residents and employees, it is considered that it would activate the public realm, making a positive contribution in this regard.

Design and heritage

- 10.52 The proposed development seeks to introduce a 20 storey building to the site, given the proximity of the site to the Myrdle Street Conservation Area, regard will also be had to the impact of the proposal upon the setting of the Myrdle Street Conservation Area.
- 10.53 Chapter 7 'Requiring good design' of the NPPF (2012) states that the Government attaches great importance to the design of the built environment, outlining good design as a key aspect of sustainable development and indivisible from good planning.
- 10.54 In relation to the conservation and enhancement of the historic environment, Chapter 12 of the NPPF (2012) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It further states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.55 Furthermore, London Plan Policy 7.4 'Local Character' seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets in scale, proportion and mass. London Plan Policy 7.6 'Architecture' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

- 10.56 London Plan Policy 7.8 ‘Heritage assets and archaeology’ states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural details.
- 10.57 Core Strategy Policy SP10 ‘Creating distinct and durable places’ seeks to protect and enhance the Borough’s conservation areas and their settings. It also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. More specifically, it seeks to ensure that new development respects its local context and townscape, including the character, bulk and scale of the surrounding area.
- 10.58 Policy DM24 ‘Place-sensitive design’ of the Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design, ensuring that design is sensitive to and enhances the local character and setting of the development. Policy DM26 ‘Tall buildings’ requires that building height and scale is considered in relation to the town centre hierarchy and is sensitive to the context of its surroundings.
- 10.59 Policy DM27 ‘Heritage and the historic environment’ requires development to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive places.
- Height, scale and massing
- 10.60 The application site is in an ‘outside of town centre’ location. Therefore, when considered in relation to Policy DM26, the application site does not naturally fall within an area designated for tall buildings. Whilst the site lies within the Whitechapel Masterplan area which sets out an ambitious vision for Whitechapel, the site itself is not identified as a key regeneration area.
- 10.61 The context of the site is also considered to be sensitive, with the Myrdle Street Conservation Area immediately to the south and east. The Myrdle Street Conservation Area is characterised by a Georgian streetscene, with early 19th century terraces and is considered to retain a cohesive character. With regards to scale of development, the Conservation Area Appraisal states that:
- “Properties on New Road are among the largest in scale, together with those on Settles Street, and are of 4 and 5 storeys with basement. Those on secondary residential roads running parallel to New Road and Settles Street are smaller, for example properties in Myrdle Street are of two storeys plus attic and basement, whilst Parfett Street consists of 3 storey terraces”.*
- In terms of views, the Conservation Area Appraisal states:
- “Long views run along major street axes, such as along Whitechapel Road, New Road and Commercial Road, with local views down side streets such as Myrdle Street and Parfett Street terminated by the imposing Tower House. Views through Settles street and Fordham Street, along with Myrdle Street and Parfett Street highlight the uniformity of the streetscape of terraces with common scale, parapet line, roofscape and pattern of fenestration.”*
- 10.62 Tower House is 7 storeys in height, neighbours the application site to the east and falls within the Conservation Area boundary. It maintains notable architectural merit and is

considered to make a significant contribution to the special merits of the Myrdle Street Conservation Area.

- 10.63 The Fieldgate Street streetscene to the west of the application site sits outside of the Conservation Area and is mixed in character. The Maryam Centre, which forms part of the East London Mosque, sits to the immediate west of the site and exists prominently in the streetscene at a notable mass and maximum height of 7 storeys.
- 10.64 The application submission includes a Visual Impact Assessment (VIA). This document seeks to demonstrate that the proposal would give rise to an acceptable level of impact upon local views (including the Myrdle Street Conservation Area), strategic views, and the townscape whilst also having regard to its wider relationship with the City.
- 10.65 In terms of impact upon views of strategic importance, the VIA demonstrates that the proposed development would not adversely impact 'The Queens Walk at City Hall' view of the London Development View Framework.
- 10.66 The VIA does however demonstrate that there would be significant impact upon locally important views, including those from the Conservation Area. Whilst not an exhaustive list, the following views (Table 1.2) are considered to illustrate the extent of this impact:

View point	Location
View 5	Settle Street, at junction with Fordham Street, looking north
View 7	Fieldgate Street, close to junction with Plumbers Row, looking east
View 9	New Road, at junction with Fieldgate Street, looking west
Dynamic View C07C	Settles Street
Dynamic View L02	Fieldgate Street (looking east towards the site)
Dynamic View L05	Fieldgate Street (looking west towards the site)

Table 1.2: The views most impacted by the proposed development

- 10.67 Further to this, the neighbour representations submitted in objection to the application refer to the design and heritage impacts of the proposal. The concerns raised make reference to the inappropriateness of the scale and massing of the proposed building, its relationship with the surrounding scale of development and its impact upon the historic fabric and 'classic' appearance of the adjoining Conservation Area. These issues are addressed in the officer's assessment of the design and heritage impacts of the proposal below.
- 10.68 The proposed building marks a notable departure from the scale of its surroundings and gives rise to a disproportionately tall building in an immediate context which is characterised by, and celebrated for, the uniformity of its lower scale buildings. It is not just the visibility of the building that is concerning, but the unacceptable dominance of the proposed vertical mass in a range of local views, including those from within the Myrdle Street Conservation Area. The building also sits significantly taller and bulkier than Tower House.

- 10.69 When viewed from the eastern end of Fieldgate Street (View 9), the proposed building would become an imposing backdrop to Tower House, completely infilling the areas of sky between the turrets (see figure 1.5 below). With this, the prominence of the building within the roofscape, streetscene and Conservation Area is considered to diminish to an extent.



Figure 1.5: View 5 - Settle Street, at junction with Fordham Street, looking north



Figure 1.6: View 9 - New Road, at junction with Fieldgate Street, looking west

- 10.70 It must be noted that it is not just the height of the proposed building that is objectionable. The overall bulk, massing and arrangement of the overall building is considered to be unacceptable. The podium/tower arrangement which includes a 9th floor set back is considered to be tokenistic in its attempt to break down the scale and massing of the building and thus is considered to do little to diminish the impact of a building at the proposed scale.
- 10.71 Furthermore, it is also important to outline that the proposed impact is not limited to the setting of the conservation area itself, but to the wider townscape. When viewed from Whitechapel Road (View 6), the building would sit significantly taller than the largest frontage buildings, including the East London Mosque. The prominence of proposed building within the Whitechapel Road streetscene is considered to mark an inappropriately significant departure from the more traditional scale of hierarchy that exists on this side of Whitechapel Road.
- 10.72 The VIA includes a birds eye view CGI that shows the proposed building in the context of the wider cityscape, including the tall building clusters in Aldgate and the city of London. This further enforces the disproportionate nature of the proposed building scale.
- 10.73 In their Stage 1 report, the GLA support the form and massing approach, subject to the delivery of the public link (which is discussed in greater depth below). The GLA take this position on the basis that the visibility of the proposed building is restricted in longer range views and where visible, its impact is mitigated by its efficient footprint and simple form.

- 10.74 Officers agree that the impact of the proposed building upon a number of the tested longer range views is limited, however, in seeking to protect and enhance the Borough's heritage assets and their settings in line with local planning policy, officers maintain, for the reasons outlined above, that the proposed development would give rise to less than substantial harm upon the setting of the Myrdle Street Conservation Area. Whilst officers have categorised the level of harm as 'less than substantial' it is considered that the harm resulting from the proposal would be at the top end of the scale and would give rise to an unacceptable impact upon the character and appearance of the Conservation Area.
- 10.75 On this basis, the application site is not considered to be an appropriate location for a building of the proposed scale. As well as being outside of a town centre designation where the siting of tall buildings is more likely to be supported, the proposed development fails to respond sensitively to the context of its surroundings, displayed through the disproportionate height and scale and associated impacts described above.
- 10.76 As a result, the proposal is considered contrary to local planning policy and refusal is recommended on this basis.
- Building form, detailed design and materiality
- 10.77 The proposed building includes a chamfered section at ground floor level. This marks a design response to pre-application advice from the Council surrounding the relationship of the proposed development with Tower House. The intention of the chamfered section is therefore to reveal the significance of Tower House, when viewed from the western end of Fieldgate Street.
- 10.78 However, the streetscape views provided by the applicant demonstrate that the proposed chamfer does little to achieve this. This is particularly evident when comparing the existing images of Tower House from a similar viewport whereby Tower House appears prominent in the streetscene. In the proposed views, any prominence and significance is lost.
- 10.79 The building itself is considered to be well articulated, with an appropriate solid to void ratio. The approach towards the ground floor elevations is considered to introduce activity and natural surveillance to the surrounding public realm which is welcomed and supported.
- 10.80 Nevertheless, despite such efforts to reduce the impact of the scale and massing through architectural detailing and articulation, the proposed building continues to overwhelm Tower House, the setting of the Conservation Area and the wider surroundings. On the basis, the proposed building remains objectionable with regards to its scale and massing.
- Public realm
- 10.81 The proposed development seeks to introduce a pedestrian route that would create a north-south route between Fieldgate Street and the site to the north of the application site. It is proposed that in conjunction with the already approved part route (PA/15/03518), the proposal would facilitate a pedestrian link between Fieldgate Street and Whitechapel Road.
- 10.82 Core Strategy Policy SP09 'Creating attractive and safe streets and spaces' seeks to improve the connectivity of identified areas that suffer from poor permeability, for

example, through the creation of new routes. Further to this, Policy DM23 'Streets and public realm' of the Managing Development Document (2013) requires development to be well-connected with the surrounding area by improving permeability and legibility, particularly to public transport, town centres, open spaces and social and community facilities.

- 10.83 Further to this, the Whitechapel Vision seeks improved accessibility within Whitechapel and promotes new connections and increased legibility through new pedestrian and cycle routes. The proposed pedestrian route through the site is outlined on the open space and movement strategy within the SPD, as a 'proposed tertiary route' that would contribute to improved accessibility within Whitechapel.
- 10.84 On this basis, officers are supportive of the principle of the proposed pedestrian link as it would contribute to the objectives of the Whitechapel Vision and Council policy. The delivery of this, as a high quality pedestrian route, would be recognised as a key public benefit of the proposal.
- 10.85 It is however noted that the successful delivery of the link requires the previously approved section of the route and the proposed section to align. It is understood for the applicant that there are some land ownership issues relating to the area surrounding the point at which the two sites/ routes meet. As currently proposed, it does not seem that the route would give rise to a wholly accessible or legible route. The Council and the GLA in their Stage 1 report also sought further information in this regard.
- 10.86 The applicant has sent further information in response to this. The information received demonstrates that the intention of the applicant is to deliver the route inclusive of the dog legged section part way through. This gives rise to concern surrounding the quality of the route in terms of accessibility, legibility and secure by design issues.
- 10.87 The Crime Prevention Officer at the Metropolitan Police, in their consultation response have reinforced the above concerns, stating that Zabadne Way must be wide, open, well-illuminated and well overlooked to encourage legitimate use. Officers do not consider that the application submission provides any level of certainty that the route, as currently proposed, would be capable of achieving the above.
- 10.88 The adjoining Mosque has made a representation in support of the proposed link. It is suggested that it would also relieve a burden on the Mosque which people are currently using as a cut through. Whilst it is accepted that the proposed link would contribute to the overcoming of this issue, it is not considered to justify the acceptability of the link, as currently proposed.
- 10.89 In light of the above, it is felt that the proposals for the pedestrian link require further work. As currently proposed, due to the access and legibility constraints, it is not considered to constitute a public benefit.
- The planning balance/ public benefits argument
- 10.90 As set out in the NPPF, where the proposal is considered to give rise to less than substantial harm upon the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.
- 10.91 In this instance, the level of harm upon the setting of the conservation area is considered to hold a significant amount of weight. On this basis, it is not considered that significant public benefits would outweigh the impact upon the Conservation Area.

- 10.92 Despite this, if having regard to the public benefits of the scheme, minimal weight would be applied. It is noted that the neighbour representation submitted in support of the application suggest that the *“proposals will generate significant benefits to the local area and community”*. Conversely, the letters of objection suggest that the proposed development would be of no benefit to the local community.
- 10.93 Despite the weight applied to the impact upon the Conservation Area, officers have had regard to the public benefits of the scheme.
- 10.94 At this stage, the weight apportioned to the proposed pedestrian link as a public benefit is considered to be limited due to uncertainty surrounding the legibility, accessibility and safety of the route.
- 10.95 BITC, the proposed occupier of the office floorspace, is also presented in the application submission as a public benefit. As previously outlined, no weight can be apportioned to a potential occupier as a planning benefit but there would be new jobs arising from the proposed development which provides some public benefit. The local need for additional student housing has not been properly established nor has its affordable element and therefore this can only be considered to be of very limited public benefit.
- 10.96 In summary, the harm to the setting of the Myrdle Street Conservation Area is not outweighed by public benefits. Furthermore, there are a number of serious adverse impacts of the proposed development on the amenity of adjoining occupiers as set out below.

Proposed student accommodation

- Proposed units/rooms

- 10.97 The proposed development seeks to provide a mix of room/unit types for students. The Council does not have a policy basis upon which the quality of the proposed accommodation or the mix of accommodation can be assessed against.
- 10.98 Council policy in relation to student accommodation does however seek to ensure that proposals for student accommodation respond to local need. On this basis, officers would also expect the design, arrangement and type of student accommodation to respond to local student needs. No information has been provided in this regard.
- Inclusive design
- 10.99 Neither regional nor local policy sets out requirements for purpose built student accommodation with regards to the standard of accommodation delivered. Officers have however had regard to the proposed student accommodation from an inclusive design perspective.
- 10.100 London Plan Policy 7.2 ‘An inclusive environment’ requires that all new development is accessible and inclusive for all. In line with this, London Plan Policy 3.8 requires 10% of new dwellings to be wheelchair accessible. The Accessible London SPG requires that accommodation for disabled students should be fully integrated into development.
- 10.101 On this basis, the proposed student accommodation is expected to deliver 10% wheelchair accessible student rooms. The original proposal included 19 wheelchair accessible studios, 5% of the total development. As this was significantly below the London Plan requirement, the GLA sought an increase in this provision.

- 10.102 The applicant submitted revised plans in response to this, increasing the wheelchair housing proportion to 10%. Officers are satisfied that this overcome previous concerns in this regards. Furthermore, officers are also satisfied that the lifts, corridors and fire escapes are also wheelchair accessible. If an otherwise acceptable scheme, this would be secured by condition.
- 10.103 The public realm surrounding the site is also considered to be wheelchair accessible. Officers are therefore satisfied that the applicant has overcome concerns in this regard
- Amenity of future occupiers
- 10.104 Policy DM25 'Amenity' states that development should protect the amenity of future residents and building occupants in addition to the existing occupiers.
- 10.105 As previously stated, there is not specific planning policy or guidelines relating to the standard of student accommodation proposed. Officers must however have regard to the amenities of the students that would occupy the proposed units.
- 10.106 It is also noted that the proposed development would include external amenity space for the students at 9th and 19th floor levels. This is supported.
- 10.107 Given the nature of the accommodation, including the short duration of time that the rooms/units would be occupied by students, officers consider the development to be satisfactory from an amenity perspective.

Neighbouring Amenity

- 10.108 Core Strategy Policy SP10 'Creating distinct and durable places' and Policy DM25 'Amenity' of the Managing Development Document seek to protect residential amenity. These policies work to ensure that new development does not result in an unacceptable loss of outlook or privacy, nor enable an unreasonable level of overlooking or unacceptable increase in the sense of enclosure. Further to this, it is outlined that development should not result in an unacceptable material deterioration of the sunlighting and daylighting conditions of surrounding development including habitable rooms of residential dwellings, schools, community uses and offices.
- 10.109 In terms of neighbouring residential buildings, the adjacent Tower House is the most affected by the proposal. With a separation distance of approximately 8m at its closest point, it is considered that the proposed development would negatively impact the amenities of neighbouring occupiers.
- 10.110 It has been argued by the applicant that the units within Tower House are being used in a short-term let capacity opposed to mainstream residential accommodation. Officers have had regard to the planning history relating to this site, and no planning permission has been granted for the use of the building in this way and the Council's Planning Compliance team have not received complaints in this regard. On this basis, the impact on this building will be assessed in relation to the lawful use of the building, residential.
- 10.111 The proposal is also considered to give rise to a level of impact upon the properties opposite to the application site which includes Nos. 42-54 Fieldgate Street.
- 10.112 There are also existing residential properties to the rear of the application site at Nos. 11-14 Vine Court and No. 7 Vine Court. Regard is also had to the impact of the proposal upon these properties.

- 10.113 The letters of objection received from neighbouring occupiers also make reference to the daylight, sunlight and overbearing impact of the proposed development, especially in relation to Vine Court and existing development to the east of the proposed building.
- 10.114 These impacts are detailed and addressed in greater depth in the paragraphs below.
- Daylight and sunlight
- 10.115 The application submission included a Daylight and Sunlight report prepared by Malcolm Hills LLP. The assessment was undertaken in accordance with the BRE guide.
- 10.116 In relation to daylight testing, the report sets out the findings of the Vertical Sky Component (VSC) analysis. The target figure for VSC recommended by the BRE is 27%. A VSC of 27% is a relatively good level of daylight and the level that would be expected for habitable rooms with windows on principal elevations. It is however recognised that it is often difficult to achieve this level on secondary elevations and in built-up urban environments.
- 10.117 Through research, the BRE have determined that in existing buildings daylight levels can be reduced by approximately 20% their original value before the loss is materially noticeable. It is for this reason that they consider that a 20% reduction is permissible in circumstances where the existing VSC value is below the 27% threshold. Once this has been established, it is then necessary to determine whether the distribution of daylight inside each room meets the required standard.
- 10.118 The Daylight Distribution (DD) test looks at the position of the 'No-Sky Line' (NSL). The BRE guide suggests that living rooms, dining rooms and kitchens should be tested with bedrooms deemed less important, although should be analysed nevertheless.
- 10.119 The daylight testing that has been undertaken applies VSC, but has not further tested the distribution of daylight inside of the affected rooms. The most significantly affected and aforementioned properties are referred to below.
- 10.120 With regards to sunlight testing, the report sets out the findings of the Annual Probable Sunlight Hours (APSH) analysis. Compliance will be demonstrated where a room receives 25% of the APSH (including at least 5% in the winter months), or at least 0.8 times its former sunlight hours during either period, or a reduction of no more than 4% APSH over the year.
- 10.121 The BRE guidance recognises that there may be certain circumstances where a larger reduction in sunlight may be necessary. The sunlight criteria is also considered to primarily apply to windows serving living rooms.

Tower House

- 10.122 The proposed development would affect the western elevation of Tower House. The results of the VSC analysis demonstrate that the windows on this elevation would be subject to significant reductions in daylight. For example, 89% of the analysed windows on this elevation would fail to comply with BRE guidance. It also noted that the majority of the failings are significant, with many of the proposed VSC levels as low as 0.07 times (third floor) their former value (i.e. a 93% loss of daylight).
- 10.123 The report submitted suggests that the affected windows are mainly bedroom windows. It should be noted that the BRE daylight guidelines apply to rooms in dwellings where daylight is required, including living rooms, kitchens and bedrooms.

- 10.124 It also suggests that the living rooms have dual aspects either to the courtyard or in the case of the corner rooms, to the north or south. Whilst this is a material consideration, the report does not include floor plans or further details of this. Officers are therefore unable to fully consider this, nor ascertain which of the affected windows are primary/secondary. It is not however felt that this would justify the extent of harm proposed to some of the tested windows.
- 10.125 It is also noted that the baseline position/ existing VSC levels reflect a vacant site. It is therefore recognised that any new development on the application site is likely to give rise to a level of daylight reduction on Tower House. This however is not considered to warrant reduction of the proposed extent.
- 10.126 Further to this, the report outlines the extent of the sunlight level reduction at Tower House. Although not surprising given the extent of daylight reduction, the APSH analysis demonstrates that 76% of the tested windows would fail to comply with BRE guidance.
- 10.127 In light of the above, the daylight and sunlight impacts upon the west elevation windows at Tower House are considered to be significant when considered both individually and cumulatively.

Nos. 42-54 Fieldgate Street

- 10.128 The above properties are opposite to the application site and also present notable reductions in daylight levels. The results of the VSC analysis demonstrate that the proposed VSC levels for these properties would fall as low 0.4 times their former value.
- 10.129 The impact is considered to be particularly significant at Nos. 42 and 46 where 0% of the analysed windows comply with BRE guidance.
- 10.130 The report suggests that the affected windows at No. 42 are mainly bedrooms and gallery type kitchens and that the living rooms are located on the south facing elevation and remain unaffected. Again, officers acknowledge that this forms part of the consideration relating to the acceptability of the proposed impacts, however further information is required. The report refers to the consented plans for a previous planning permission at this address, but fails to include the floor plans in the report.
- 10.131 The failings at Nos. 50-54 are also considered to be significant given how low the existing VSC levels are. A further reduction would therefore result in VSC levels as low as 7.28 (at ground floor level No. 50 Fieldgate Street).
- 10.132 Whilst the sunlight levels are considered to comply with BRE guidance for these properties, the reduction in daylight levels are considered to cause significant harm to the occupiers of those properties.

Summary

- 10.133 The findings of the daylight and sunlight testing have demonstrated that the proposed scale and massing would give rise to significant impacts upon the amenities of neighbouring occupiers by way of loss of daylight and sunlight. The reductions, when considered both individually and cumulatively, are considered to give rise to a material deterioration to neighbouring daylight and sunlight levels.

- 10.134 Whilst the daylight analysis is limited to VSC and does not demonstrate the impact of the proposal upon daylight distribution, the findings of the VSC analysis, together with the ASPH results, are considered to be sufficient to demonstrate the unacceptable nature of the development in this regard.
- 10.135 It is acknowledged that in dense urban environments, significant reductions in light to neighbours can sometimes be considered appropriate. Generally, these schemes are acceptable in all other respects and deliver significant benefits. Officers however remain unconvinced that the proposed scheme would be capable of justifying the proposed level of harm in this regard.
- 10.136 Therefore, the proposal is considered to be unacceptable with regards to daylight and sunlight impacts.
- Overbearing impact and increased sense of enclosure
- 10.137 Due to the proximity of the proposed building, at the proposed scale and massing, the development would also be considered to give rise to an unacceptable overbearing impact and increased sense of enclosure upon the occupiers at Tower House. It is also considered that it would have the same unacceptable impact upon the properties within Vine Court to the rear.
- Overlooking and loss of privacy
- 10.138 The application submission has not addressed the relationship between the proposed building and Tower House with regards to overlooking. With a separation distance of just 8m (approx.), officers are concerned that the proposed development would give rise to an unacceptable overlooking impact and resultant loss of privacy upon the occupiers of Tower House. No mitigation measures have been discussed or proposed.
- 10.139 To conclude, the proposed development would give rise to an unacceptable increase in sense of enclosure, overbearing impact and loss of privacy to the existing neighbouring occupiers at Tower House. In light of this, and the unacceptable daylight/sunlight impacts upon Tower House and the properties on Fieldgate Street, the proposal is considered to be unacceptable with regards to its impact on neighbouring amenity; it is proposed that the applicant is refused on this basis.

Highways and Transportation

- 10.140 The NPPF and Policy 6.1 of the London Plan (MALP 2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 10.141 Core Strategy policies SP08 'Making connected places' and SP09 'Creating attractive and safe streets and spaces', together with Policy DM 20 'Supporting a sustainable transport network' of the Managing Development Document seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity. The policies also require the assessment of traffic generation impacts and also seek to prioritise and encourage improvements to the pedestrian environment.
- 10.142 Further to this, policy 6.13 'Car parking' of the London Plan and Policy DM 22 'Parking' of the Managing Development Document seek to deliver development that relies on non-

car modes of transport and limits car use through the restriction of new car parking provision.

- 10.143 Policy 6.9 'Cycling' of the London Plan sets out the requirement for the delivery of cycle parking with new development, seeking the provision of secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards. Appendix 2 of the Managing Development Document also sets out minimum cycle parking standards for new development. It should be noted that the local requirements for cycle parking associated with student accommodation are more onerous than the London Plan.
- 10.144 The Council's Highways officer and TfL have had regard to the following issues; their consultation responses are incorporated into the assessment set out in the paragraphs below.
- Car parking (and Blue Badge parking)
- 10.145 Other than disabled car parking provision, no car parking is proposed as part of the development. At a PTAL rating of 6(a), the non-provision of car parking is encouraged and supported. If this was an otherwise acceptable scheme, officers would seek to secure the car-free nature of the development via S106 agreement. This would ensure that future occupiers would not be able to obtain a parking permit to park within the surrounding Controlled Parking Zone (CPZ).
- 10.146 Appendix 2 of the Managing Development Document requires development with off-street car parking provision to provide 2 accessible spaces for Blue Badge holders. In addition to this the parking addendum to Chapter 6 (London Plan) states that non-residential elements of a development should provide at least one accessible on or off street car parking bay designated for Blue Badge holders, even if no general parking is provided. Any development providing off-street parking should provide at least two bays designated for Blue Badge holders. The London Plan also states that car parking spaces designated for use by disabled people should be located on firm level ground and as close as feasible to the accessible entrance of the building.
- 10.147 The proposal seeks to provide 1 accessible space for Blue Badge holders within the existing basement of the neighbouring development. This is therefore insufficient in terms of quantum.
- 10.148 Further to this shortfall, the application submission does not include details of the proposed accessible parking arrangement. As a result, officers are unaware as to where the disabled space would be located within the existing basement in relation to the proposed scheme, how access from the neighbouring basement to the application site would be achieved and how this space would be allocated and managed. Officers would also be required to assess the impact of this arrangement on the existing neighbouring development, for example, does the proposal displace a car parking space associated with the existing development? Given that the disabled car parking space would also be located outside of the red line, it would need to be secured by S106 agreement. Without the above details, this would not be possible.
- 10.149 There was a late submission of information relating to the above issues; the additional information was inclusive of the basement plans of the neighbouring development. Whilst this outlined where the disabled parking would be located, it does not fully address the above concerns, or enable officers to assess whether it is an acceptable arrangement.

10.150 In light of this, officers are unable to assess the appropriateness of the proposed location and therefore, the acceptability of this parking provision with regards to its accessibility to a wheelchair user. As officers are not in receipt of the information necessary to determine whether the development is capable of being acceptable in this regard, it is not considered that the details could be secured by condition. The proposal is therefore refused on this basis.

- Cycling

10.151 In terms of network of cycle routes and cycle accessibility, the applicant has stated that there is a comprehensive network of cycle routes within the local area, including the Cycle Superhighway (Stratford-Aldgate route) which runs along Whitechapel Road. Nevertheless, in their consultation response, TfL have noted the absence of an analysis of the current environment for cyclists in the Transport Assessment submitted.

10.152 Given the number of cyclists that the proposed development could generate, if the scheme was otherwise acceptable, officers would seek further information in this regard. Officers would then have regard to whether it would be appropriate for the development to contribute to local cycling conditions via a S106 contribution.

10.153 In terms of cycle parking provision for the proposed student accommodation, the proposed development includes the provision of 228 spaces. It is also provide 20 cycle parking spaces for the proposed office floorspace. These would be located at basement level (within the proposed development).

10.154 With regards to access, TfL and the Council's highways officers consider the proposed arrangements to be unsatisfactory. The scheme should provide access to cycle parking that encourages its use through the provision of direct and unimpeded access to storage areas.

10.155 As proposed, student cyclists would be expected to travel from street level, through a refuse and laundry room and several narrow doors to reach the storage facility. Officers are also not convinced that the proposed lift that would be used to access the cycle storage is large enough to take all type of cycle. Given the level of potential cyclists, the route to and from the proposed cycle storage facility should allow for two-way passing of cyclists wheeling cycles.

10.156 In terms of quantum, Appendix 2 of the Managing Development Document requires 1 cycle parking space to be provided per student/ bed space. The Transport Statement has not had regard to the Council's cycle parking requirements in addition to the London Plan minimum requirements. The proposal would therefore result in a short fall of 147 spaces when assessed in relation to the Local Plan requirements. A total of 375 spaces are required by policy.

10.157 The office floorspace is expected to provide 1 long stay cycle parking space per 90sqm and 1 short stay cycle parking space per 500sq. The proposal seeks to introduce 20 parking spaces. This is considered to be acceptable from a quantum perspective. They would also be accessed off the vehicular ramp; this is also considered to be acceptable.

10.158 The proposed development is however expected to provide short stay cycle parking in addition to long stay and make a distinction between the two. TfL have stated that short-stay cycle parking should be located in the public realm, close to the buildings main entrance, in a well-overlooked, functional and attractive location. The Council would also expect a maximal provision of Sheffield stand (or similar) type cycle parking to ensure

usability and ease of access. An entire provision of double stacked racks is not considered to be acceptable.

10.159 In light of the above, the proposed development is considered to be unsatisfactory with regards to cycling. This includes the accessibility of the proposed cycle storage, the quantum of cycle parking spaces and the nature of the cycle storage. The proposed development is therefore refused on this basis.

- Delivery and servicing

10.160 The application submission includes a Delivery and Servicing Plan and a Transport Assessment. Whilst the documents refer to the location of a loading bay, the submission is lacking details in relation to how servicing and delivery would be managed, the expected number of deliveries per day and how the applicant seeks to minimise the number of delivery trips generated by the site.

10.161 The submission also fails to address how deliveries to individual students would be collected, stored and distributed within the development.

10.162 It is proposed that the development would be serviced via a newly configured loading bay outside of the adjacent building on Fieldgate Street. It is acknowledged within the Transport Assessment that this would be subject to a Section 278 agreement with the Council's highways department.

10.163 Whilst officers do not raise objections to this in principle, it is noted that works to the public realm would be required to facilitate the new loading bay. For example, the introduction of dropped kerbs where required. No details of this have been provided.

10.164 The applicant has also failed to demonstrate how the loading bay would work in practice. Officers would expect the provision of tracking diagram that demonstrate that the largest delivery and servicing vehicles can access and egress the proposed loading bay without unduly affecting the safety and operation of Fieldgate Street.

10.165 If an otherwise acceptable scheme, officers would seek to secure a detailed Delivery and Servicing Plan by condition.

- Waste

10.166 The Delivery and Servicing Strategy sets out the proposed refuse storage and collection arrangements.

10.167 It is proposed that refuse storage associated with the student accommodation element of the scheme would be provided at basement level. A lift would provide access to a bin store at ground floor level; the refuse would then be collected from Fieldgate Street.

10.168 It is further proposed that the refuse storage associated with the office and commercial elements of the scheme would be located within the existing basement of the neighbouring property. The existing ramp would provide access to Fieldgate Street where the refuse would be collected.

10.169 It is proposed that the refuse service vehicles would utilise the new loading bay referred to above.

10.170 Unfortunately, the refuse storage facilities that would serve the student accommodation are not considered to be acceptable. The basement level floor plan shows that the

refuse storage would be located in the same room as the laundry. The Council's Waste officer raises objections to this; waste should be stored separately to all other services. Also, without further details, officers are unable to determine whether the proposed lift is sufficient in size for the proposed bins.

- 10.171 Further to this, the application submission does not provide any information surrounding the proposed arrangement for the storage of refuse associated with the office and commercial floorspace within the neighbouring basement. As discussed in relation to the disabled parking provision, officers are unable to determine the acceptability of this arrangement without explicit information in this regard. Without the necessary information, officers would also be unable to secure this arrangement within a S106 agreement.
- 10.172 As currently proposed, the refuse storage arrangements are considered to be unacceptable. Should this be considered an otherwise acceptable scheme, officers would seek to secure additional information by condition.

- Construction

- 10.173 The original application submission did not address the impact and management of construction. Measures to reduce the amount of construction related traffic need to be considered.
- 10.174 TfL have requested that an outline Construction Logistics Plan (CLP) is submitted as further information and that a detailed CLP is secured by condition.
- 10.175 The applicant team submitted an outline CLP to TfL at a late stage in the application process. Feedback from TfL has not yet been received in relation to this information. Officers would seek to secure further details by condition if an otherwise acceptable scheme.

Energy & Sustainability

- 10.176 London Plan Policy 5.1 'Climate change mitigation' deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025.
- 10.177 Policy 5.2 'Minimising carbon dioxide emissions' sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 10.178 Policy DM29 'Achieving a zero carbon borough and addressing climate change' of the Managing Development Document includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 10.179 Policy 5.2 of the London Plan requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings

should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.

10.180 Policy DM 29 of the Managing Development Document also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require the residential units to comply with optional requirement G (36) (2)9b) of the 2010 Building Regulations in relation to water consumption and non-residential to achieve BREEAM Excellent.

- Proposed carbon emission reductions

10.181 The applicant has submitted an Energy Report produced by Fieldgate Limited that states that the design seeks to reduce CO2 emissions through energy efficiency measures and a CHP system.

10.182 The current proposals seek to minimise CO2 emissions at each stage of the energy hierarchy as follows:

Be Lean – 15% reduction

Be Clean – 20% reduction

10.183 The current proposals are for a 35% reduction in CO2 emission compared to a baseline scheme, and therefore the scheme falls short of the adopted LBTH requirement for a 45% reduction. If an otherwise acceptable scheme, officers would request that the applicant revisits the proposal to improve energy efficiency measures and potentially integrate renewable energy technologies to meet the policy requirements, or alternatively would seek a contribution towards carbon offsetting to address any deficiency

10.184 The submitted energy report is also considered to be deficient in details surrounding the CHP system, in particular, the absence of thermal profiling in order to demonstrate that the CHP has been correctly sized for the headloads of the development. In light of this, if the scheme was otherwise acceptable, officers would secure further details by condition.

10.185 The GLA, in their Stage 1 report, have also highlighted shortfalls in the level of information provided in this regard. Officers would also seek to ensure that further information is required by condition if an otherwise acceptable scheme.

- Sustainability

10.186 The applicant has submitted a BREEAM pre-assessment report which shows that the scheme has been designed to achieve BREEAM Excellent rating with a score of 73.52%. If the scheme was considered to be otherwise acceptable, this would be secured by condition.

Environmental Impact Assessment

10.187 The application submission was not accompanied by a request for an EIA screening opinion, nor was one submitted prior to the application being submitted. Given the scale, location and history of the site, the Council considered it necessary to screen the planning application, to determine whether an EIA was required. As set out in the planning history section of this report, the screening opinion was carried out and issued under planning application reference PA/17/02395.

- 10.188 The findings if the environmental reports have been utilised, as necessary, to inform this EIA Screening Opinion.
- 10.189 The proposed development does not fall within any of the descriptions of development listed in Schedule 1 of the EIA regulations, and is therefore, not a Schedule 1 development. The development does, however, fall within the description of a Schedule 2 development, classified under item 10(b) as 'urban development projects'.
- 10.190 'Schedule 2 development' means development (other than exempt development – which this is not) of a description mentioned in Column 1 of the table in Schedule 2, where:
- a) Any part of that development is to be carried out in a sensitive area: or
 - b) Any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceed or met in relation to that development.

No part of the proposed development is to be carried out in a 'sensitive area' as defined by the EIA Regulations

The threshold for item 10(b) is as follows:

- (i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or
 - (ii) The development includes more than 150 dwellings; or
 - (iii) The overall area of the development exceed 5 hectares
- 10.191 The proposed development is for 188 units of student accommodation. There is no fixed definition of the term 'dwelling'. However, the Council considered that for the purposes of the EIA Regulations, that the proposed student accommodation should be considered as a 'dwelling'. As such, the 188 units exceed the threshold for the 150 dwellings, and therefore the proposed development constitutes 'Schedule 2 development'. Consideration was therefore given to whether the propose development may give rise to significant environmental effects, such that an EIA may be required.
- 10.192 Following this assessment, the Council concluded that the proposed development does not required an EIA to be undertaken to accompany this planning application, as the proposed development is not likely to generate significance environmental effects. The reasoning for this decision is clearly set out as part of the decision notice for PA/17/02395.

Biodiversity

- 10.193 Core Strategy Policy SP04 'Creating a green and blue grid' promotes and supports new development that incorporates measures to green the built environment, including green roofs and green terraces. The policy also seeks to ensure that development protects and enhances areas of biodiversity value.
- 10.194 Policy DM11 'Living buildings and biodiversity' of the Managing Development Document requires developments to provide elements of 'living buildings' which can be provided as living roofs, walls, terraces or other building greening techniques. The policy requires existing elements of biodiversity value to be retained or replaced by developments.
- 10.195 The Council's biodiversity officer has confirmed that the existing site has negligible biodiversity value and as a result, the proposal would not give rise to adverse impacts on biodiversity. However, as a major development, the proposal is required to contribute to the Local Biodiversity Action Plan (LBAP) and provide net gains for biodiversity.

- 10.196 The proposed development includes planting at ground level, 9th floor level and 19th floor level. Unfortunately, it is not considered that the proposed planting would provide any biodiversity value. Further to this, the trees that would be located at ground floor level would be Robinia which is identified as an invasive non-native species by the London Invasive Species Initiative. This would therefore be contrary to the emerging Local Plan.
- 10.197 Further to this, Robinia is prone to suckering which can cause pavement damage. It is also has a tendency for inherent structural weakness and poor defence to decay following pruning. It therefore would not be supported as a street tree. The proposed rain gardens and trees on the 9th and 19th floor podiums are also considered to have no or little biodiversity value.
- 10.198 More positively, the mixed shrub and herbaceous planting proposed for the podiums does have a good range of nectar-rich flowers. These will benefit bees and other pollinating insects and therefore contribute to a LBAP target. The recommended 4 swift boxes are also considered to be an ecological enhancement and would contribute to a LBAP target. There is however no further reference to this on the plans. Further details would therefore be required if an otherwise acceptable scheme.
- 10.199 As currently proposed, the proposed development is considered to include minimal biodiversity enhancement for a development of proposed size. On this basis, should the scheme be otherwise acceptable, the applicant would be required to submit further details in this regard.

Air Quality

- 10.200 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 10.201 The borough is designated an Air Quality Management Area (AQMA) and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.
- 10.202 The application site is in close proximity to a number of sensitive receptors, including the residential properties, hotel users and businesses.
- 10.203 The application submission is accompanied by an Air quality Assessment produced by GEM Air Quality Ltd. This has regard to the impact of the proposal upon air quality both during the construction phase and during the operation of the development.
- 10.204 It is noted that there is potential for adverse effects during construction, mainly in relation to the closest receptors. Officers are however satisfied that with the implementation of standard best practice measures, these effects are not likely to be significant. If an otherwise acceptable scheme, these measures would be secured through a Construction Environmental Management Plan (CEMP) required by condition.
- 10.205 In terms of the operation of the development itself, air quality emissions would arise from new traffic generation and the proposed CHP.

- 10.206 The Transport Statement confirms that with the exception of disabled parking, no additional general car parking is proposed as part of the development. This, in addition to the site's highly accessible location in terms of more sustainable modes of transport, is considered to result in minimal emissions from vehicles movements associated with the proposed development.
- 10.207 It is also considered that the proposed CHP boilers would contribute to overall emissions; the effects are not however considered to be negligible.
- 10.208 Furthermore and with respect to the new internal receptors, consideration has been given to the location of the site within the AQMA. Based on the outcome of the air quality assessment, mitigation measures would be required in order to mitigate the impact of poor air quality on the future occupants of the proposed development. It is considered that mitigation measures are required at nearly all of the modelled receptor locations.
- 10.209 On this basis, the applicant proposes to use a 'whole house heat recovery' ventilation system. If an otherwise acceptable scheme, officers would seek to secure such mitigation measures by condition.

Archaeology

- 10.210 The application site is located within an area of archaeological interest; an Archaeological Priority Area relating to the Roman Road to Colchester and the mediaeval and post-mediaeval development of Whitechapel.
- 10.211 London Plan policy 7.8 'Heritage Assets and Archaeology' states that new development should make provision for the protection of archaeological resources.
- 10.212 No archaeology assessment was submitted with the original application. However, the Planning Statement submitted concludes: 'The site itself was the subject of bombing during WW1 and was comprehensively redeveloped in the 1960s, including basement provision. Consequently, it has previously been confirmed that the site has no archaeological interest'.
- 10.213 In their consultation response, Historic England requested that a desk-based assessment is produced to inform planning decisions. This has since been submitted and concludes: "the generally low archaeological potential of the site, together with the low significance of the 19th century building remains, indicates that the redevelopment of the site is unlikely to have a significant archaeological impact'.
- 10.214 In the absence of reasons for refusal, officers would seek confirmation from Historic England that they are happy with the conclusions of the report.

Local infrastructure impacts and other issues

- 10.215 The objections also make reference to the impact of the proposed development upon local infrastructure, for example, in relation to the further strain upon existing amenity space. As this report recommends that the proposed development is refused, officers have not proposed specific planning obligations. However, if considered to be an otherwise acceptable scheme, officers would give consideration to the planning obligations necessary to mitigate the impact of the development.

- 10.216 Several of the objections received from neighbouring occupiers have made reference to the misleading nature of the applicant in relation to the previous planning application at the application site. This is not considered material to the assessment of the planning application; officers have had regard to the relevant planning merits of the scheme.
- 10.217 The objections also make reference to the existing congestion on the surrounding pavements in association with the neighbouring East London Mosque and raise concerns relating to the additional impact that may arise from the proposed development. Officers note that TfL requested a Pedestrian Environment Review. This has been submitted to TfL at a late stage within the process. TfL have therefore not yet reviewed and provided feedback on this. If considered an otherwise acceptable scheme, officers would investigate this further.

Health Considerations

- 10.218 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 10.219 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 10.220 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- a) Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - b) Providing high-quality walking and cycling routes.
 - c) Providing excellent access to leisure and recreation facilities.
 - d) Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - e) Promoting and supporting local food-growing and urban agriculture.
- 10.221 As detailed in the previous section, the proposed development would promote sustainable modes of transport, improve permeability through the site, provide communal amenity space and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

Human Rights Considerations

- 10.222 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 10.223 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a

person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

10.224 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

10.225 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

10.226 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

10.227 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10.228 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

10.229 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

10.230 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

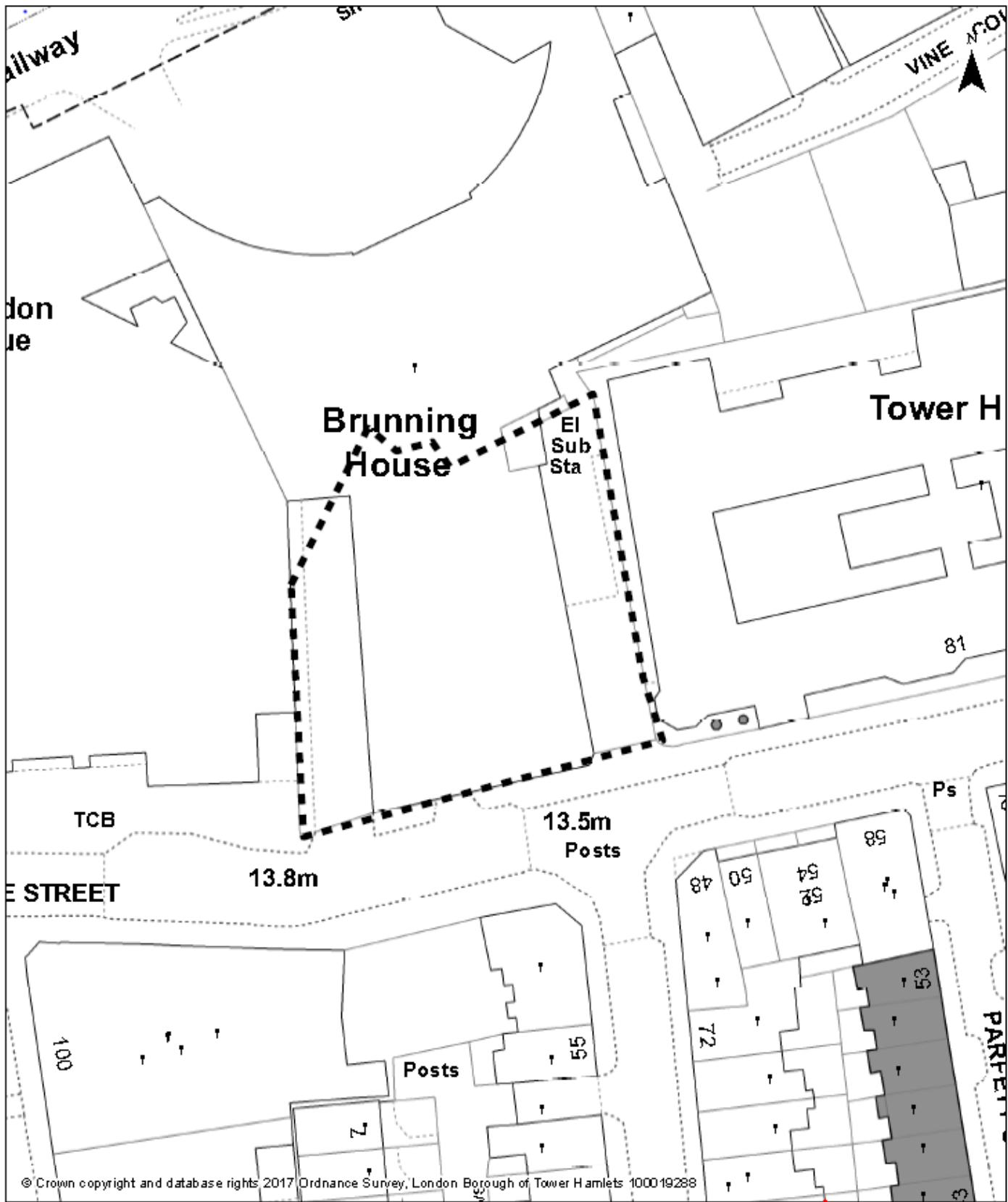
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,

3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.231 The proposed student accommodation provides a policy compliant number of accessible rooms. The public realm and access is also considered to be fully wheelchair accessible. The proposals do however include a shortfall in disabled parking provision. As stated above, if an otherwise acceptable scheme, officers would seek revised details in this regard.
- 10.232 With regards to the pedestrian link, there are concerns that the route is not fully accessible for all users, including wheelchair users. As stated, if otherwise acceptable, officers would seek further work in this regard.
- 10.233 In light of the above, officers do not consider that the application submission has fully demonstrated that the proposed development would not have adverse impact on equality and social cohesion.

11.0 CONCLUSION

- 11.1 All other relevant policies and considerations have been taken into account. Planning Permission should be **REFUSED** for the reasons set out in the RECOMMENDATIONS section at the beginning of this report.



Planning Application Site Map PA/17/02395

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

-  Consultation Area
-  Statutory Listed Buildings
-  Locally Listed Buildings

Scale @ 1:500
 7.5 37.5 0 7.5 15 22.5 Meters



GIS for
Place Directorate
LONDON BOROUGH OF TOWER HAMLETS
Date: 21/12/2017



APPENDIX 1

List of documents and plans for approval

EXISTING DRAWINGS

D0001 Rev P1	Existing Location Plan
D0003 Rev P1	Existing Site Plan
D0050 Rev P1	Existing Ground Floor Plan
D0070 Rev P1	As Existing Fieldgate Street Elevation
D0090 Rev P1	As Existing Section Reference A-A
D0091 Rev P1	As Existing Section Reference B-B
D0092 Rev P1	As Existing Section Reference C-C

PROPOSED DRAWINGS

D0002 Rev P1	Proposed Location Plan
D1099 Rev P1	As Proposed Basement Plan
D1100 Rev P1	As Proposed Ground Floor Plan
D1101 Rev P1	As Proposed First Floor Plan
D1102 Rev P2	As Proposed Second Floor Plan
D1103 Rev P2	As Proposed Third Floor Plan
D1104 Rev P2	As Proposed Fourth Floor Plan
D1105 Rev P2	As Proposed Fifth Floor Plan
D1106 Rev P2	As Proposed Sixth Floor Plan
D1107 Rev P2	As Proposed Seventh Floor Plan
D1108 Rev P2	As Proposed Eighth Floor Plan
D1109 Rev P2	As Proposed Ninth Floor Plan
D1110 Rev P2	As Proposed Tenth Floor Plan
D1111 Rev P2	As Proposed Eleventh Floor Plan
D1112 Rev P2	As Proposed Twelfth Floor Plan
D1113 Rev P2	As Proposed Thirteenth Floor Plan
D1114 Rev P2	As Proposed Fourteenth Floor Plan
D1115 Rev P2	As Proposed Fifteenth Floor Plan
D1116 Rev P2	As Proposed Sixteenth Floor Plan
D1117 Rev P2	As Proposed Seventeenth Floor Plan
D1118 Rev P2	As Proposed Eighteenth Floor Plan
D1119 Rev P1	As Proposed Nineteenth Floor Plan
D1120 Rev P1	As Proposed Roof Top Plan
D1200 Rev P2	As Proposed Fieldgate Street Elevation
D1201 Rev P2	As Proposed Zabadne Way Elevation
D1202 Rev P1	As Proposed West Elevation
D1203 Rev P1	As Proposed North Elevation
D1300 Rev P1	As Proposed Section A-A
D1301 Rev P1	As Proposed Section Reference B-B
D1500 Rev P1	As Proposed typical street level façade detail
D1501 Rev P1	As Proposed typical mid-level façade detail
D1502 Rev P1	As Proposed typical upper level façade detail
MHS181.17-010	Landscape Proposals – Ground Floor GA
MHS181.17-011	Landscape Proposals – Ground Floor Details
MHS181.17-012	Landscape Proposals – 9 th and 19 th floor podiums
D0005 Rev I1	Ground Floor Proposed Masterplan
D0006 Rev I1	Ground Floor Proposed Masterplan

DOCUMENTS

Streetscape views

Design and Access Statement dated August 2017 prepared by TP Bennett

Daylight and Sunlight Report dated August 2017 prepared by Malcolm Hollis LLP

Baseline Television and Radio Signal Survey and Television and Radio Reception Impact Assessment dated August 2017 prepared by GTech Survey Limited

Flood Risk Assessment dated January 2013 prepared by Stewart and Harris

Transport Assessment dated August 2017 prepared by David Tucker Associates

Planning Support Statement dated August 2017 prepared Tyler Parkes

Heritage, Townscape and Visual Impact Assessment dated August 2017 prepared by Montagu Evans

Air Quality Assessment dated September 2017 prepared GEM Air Quality Ltd

Wind Microclimate Assessment dated August 2017 prepared by BRE

BREEAM New Construction 2014 Pre-Assessment Report dated August 2017

Delivery and Servicing Plan dated August 2017 prepared by David Tucker Associates

London Plan Compliance Energy Report dated August 2017 prepared by Malcolm Hollis LLP

Noise Assessment Report dated August 2017 prepared by Sharps Redmore

Ventilation and Extraction Statement Energy Report dated August 2017 prepared by Malcolm Hollis LLP

Aviation Statement dated April 2017

Ecological Appraisal dated May 2017 prepared by Crossman Associates

Phase 1 Environmental Assessment dated November 2013 prepared by LEE Remediation Ltd

Regeneration and Socio-Economic Statement dated August 2017 prepared by Tyler Parkes

Secured by Design Statement dated August 2017 prepared by Tyler Parkes

Brief Socio-Economic Update prepared by JLL

Statement of Community Involvement dated August 2017 prepared by Tyler Parkes

Archaeological Desk Based Assessment dated November 2017 prepared by LPArchaeology

London Market Report on Student Accommodation dated November 2017 prepared by Knight Frank

Central London Demand Study: Demand Profile and Market Analysis prepared by Knight Frank

Outline Construction Logistics Plan dated December 2017 prepared by David Tucker Associates

Pedestrian Environment Review dated December 2017 prepared by David Tucker

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Agenda Item 6

Committee: Strategic Development	Date: 11 th January 2018	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Place		Title: Other Planning Matters	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See individual reports

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Strategic Development Committee	Date: 11 January 2018	Classification: Unrestricted
Report of: Director of Development and Renewal		Title: PLANNING APPEALS REPORT
Author: Paul Buckenham		Wards: All

1. INTRODUCTION

1.1 This report summarises appeal decisions in Tower Hamlets made by the Planning Inspectorate (on behalf of the Secretary of State) over a 14 month period since the last report - from 1 October 2016 to 30 November 2017.

Recommendation

1.2 The Committee is invited to note the contents of this report.

2. WHY APPEAL DECISIONS ARE IMPORTANT

2.1 Appeals to the Secretary of State can be made following a refusal of planning permission, listed building consent, advertisement consent and other related planning decisions. Relevant legislation is set out in the footnote below.¹

2.2 Appeals can also be made if the Council fails to make a decision within the specified time period (e.g. 13 weeks for major planning applications and 8 weeks for all other planning applications). In non-determination cases the Council will put forward reasons for refusal, either using delegated powers or with the agreement of the relevant Committee. The formal process for dealing with appeals is the same for refusal and non-determination cases and the Inspector will continue to deal with the proposals on their planning merits.

2.3 Most planning appeals are decided by independent Planning Inspectors appointed by the Secretary of State. On rare occasions, the Secretary of State may intervene to recover an appeal and determine it themselves. In these cases the Inspector's report acts as a recommendation rather than a decision.

2.4 Planning Inspectors have the same powers as local planning authorities to impose planning conditions and can also take into account proposed planning obligations (usually a Section 106 unilateral undertaking, rather than an agreement) in coming to a decision.

2.5 Appeal decisions are important for a number of reasons. There is a general presumption in the NPPF that planning permission should be granted for sustainable development, unless there is a clear conflict with the Development Plan or material considerations suggest otherwise.

¹ Town and Country Planning Act 1990 (as amended) - Sections 78 and 195
 Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 20
 Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

- 2.6 Tower Hamlets (in common with most other planning authorities) tends to grant more planning permissions than refusals, aiming to work with applicants proactively by providing pre-application advice and negotiating to improve the quality of proposals, ensuring they are compliant with the development plan.
- 2.7 When planning permission (or other consent) is refused, the reasons need to be clear, evidence based and robust, otherwise there is a risk that the decision could be overturned on appeal. If the Council is deemed to have acted unreasonably, there is also a risk of an award of costs irrespective of the appeal decision itself.
- 2.8 Appeal decisions can be helpful in testing the wording of current policies and indicate where future changes could be made to improve policies or prevent unintended consequences, for example when preparing a new local plan or supplementary planning document.
- 2.9 Whilst all planning decisions are made on the merits of the proposal, appeal decisions can be helpful in understanding how to frame robust reasons for refusal taking into account the weight that Inspectors place on different planning policies and considerations.
- 2.10 When an appeal is dismissed and permission refused, it may be for all of the reasons in the Council's original decision, it may be for a selection of these or in rare cases for a different reason to that which the Council put forward.
- 2.11 Appeal decisions are part of the planning history of a site and hence are a material planning consideration when determining any subsequent applications on the same site. An appeal decision can also indicate how a development could be amended to make it acceptable. For example, the decisions on Corbridge Crescent highlighted the harm caused by a tall building in part of the scheme, but acknowledged that the other parts of the proposals had many merits.
- 2.12 Planning decisions always involve a careful balancing of the issues. Understanding where Inspectors place weight on different policies, material planning considerations and their interpretation of the NPPF can help to improve local decision making.

3. APPEAL PROCEDURES

- 3.1 There are three types of appeal procedure: written representations, informal hearings and public inquiries.
- 3.2 Written representations are the most common procedure and suitable for most types of minor scale development. They are also usually the quickest route with the average time from start to decision currently 18 weeks (11 weeks for householder appeals).
- 3.3 Informal hearings are suitable for smaller scale major development where there is one or more planning issue. Public Inquiries are the most formal, with the parties having legal representation and cross examination of the planning and other expert witnesses. Inquiries tend to be reserved for the most complex cases or where there is substantial public interest.
- 3.4 Public Inquiries take longer with the current average time period being 51 weeks from start to decision. In all cases the Inspector will carry out a site visit before making a decision.

Impact on resources

- 3.5 Officers will always work hard to defend the Council's planning decisions. Appeals can be resource intensive and whilst the Directorate has not carried out any detailed analysis the main impacts are on officer time and the associated costs in terms of preparing statements or proofs of evidence, coordinating any arrangements for hearings and inquiries.
- 3.6 Once an appeal has been accepted, it will run to a strict timetable in terms of the requirements for the Council and the appellant. Failure to adhere to the timetable can present a risk of a successful costs award in favour of the appellant. Hence where resources are finite, dealing with an appeal can impact on the capacity of officers to deal with live applications or other case work.
- 3.7 Other impacts on Council resources can arise from the need to appoint specialist expert witnesses, if the resource is not available in-house and the costs of appointing legal representation.
- 3.8 Public Inquiries are time consuming and resource intensive for the Council. They involve formal examination and cross examination of the planning and other expert witnesses. The recent Inquiry at Whitechapel Estate, sat for 10 days and is estimated to cost in excess of £100,000 in terms of legal costs and professional witness cost. This does not include the impact on officer time, preparing for, administering and appearing at the inquiry.

Award of costs

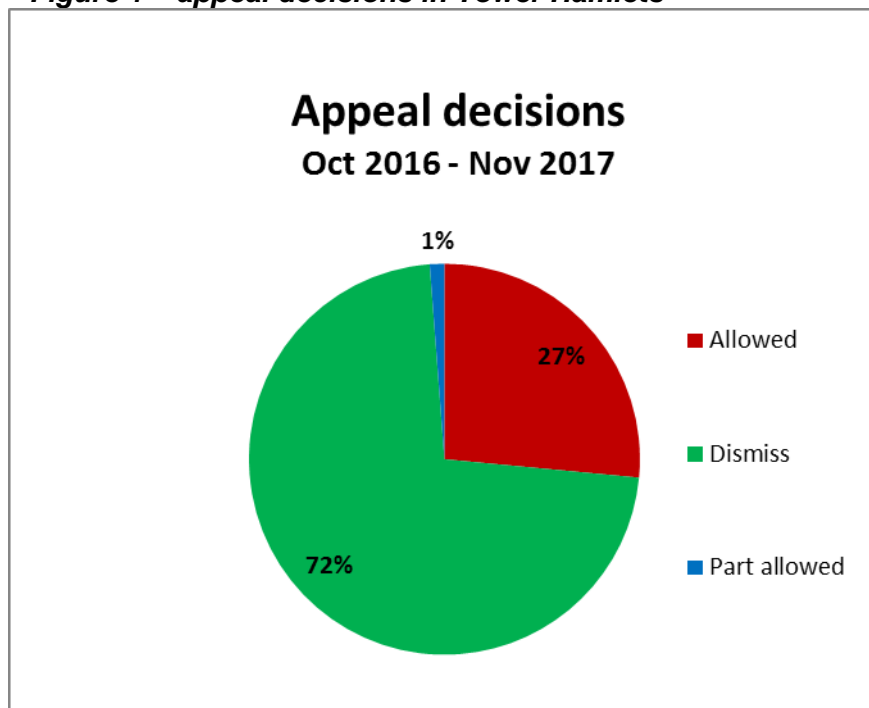
- 3.9 Either party in the appeal can apply for an award of costs. The Inspector will make the costs decisions separately to the planning decision. Costs can be awarded against the Council if it has behaved unreasonably in terms of reaching the original decision or in terms of not complying with the procedural requirements of the appeal process.

4. APPEAL DECISIONS OVERVIEW

- 4.1 During the 14 month period, **83** decisions were made on appeals in Tower Hamlets. **79** were following a refusal of permission and 3 were non-determination appeals.
- 4.2 All were dealt with by written representations except the two linked appeals at the George Tavern which were dealt with through a hearing.
- 4.3 Over the same period a number of appeals against refusal of prior approval for the installation of telephone boxes by a new operator "Maximus Communications" were turned away by the Planning Inspectorate for procedural reasons.
- 4.4 Of the 83 decisions, **22 were allowed, 60 dismissed and 1 was part allowed**. This means that the **Council's original decision was upheld in full in 72% of cases**. This is consistent where the Council's success rate over previous years, which tends to be between 70 – 80% per annum. The last report, which covered a longer 18 month period showed that 74% of decisions were dismissed.
- 4.5 This headline figure indicates that where the Council has refused permission, or would have been minded to, the decision was upheld on appeal in nearly three quarters of cases demonstrating robust decision making.

- 4.6 Split appeal decisions can be made on appeals against refusal to vary conditions, householder development and advertisement consent where there is more than one advertisement proposed. The single split decision in this report refers to a householder application at 36 Blondin Street.
- 4.7 Appendix 1 provides a full breakdown of all of the appeal decisions during this period.

Figure 1 – appeal decisions in Tower Hamlets



5. CURENT UNDECIDED APPEALS

- 5.1 There are 48 current appeals against decisions (or non-determination) that have not yet been decided. The majority of these will be dealt with through written representation and are relatively small in scale or complexity.
- 5.2 However there are 5 cases that will be deal with through a public Inquiry, two of which have taken place during December, the others have dates to be set in 2018. There are also two linked cases that will be dealt with at a hearing in March.

Table 1 – Forthcoming appeal inquiries and hearings

Reference & appeal procedure	Address	Proposed development	Decision type	Inquiry/ hearing start date
PA/15/02929 Inquiry	Site between Varden Street and Ashfield Street (Whitechapel Estate), London, E1	Demolition of all existing buildings and redevelopment to provide 12 buildings ranging from ground plus 2 - 23 storeys (a maximum 94m AOD height), comprising 343 residential dwellings (class C3), 168 specialist accommodation units (Class C2), office floorspace (class	SDC refused on officer recommendation	21 November 2017 10 days

		B1), flexible office and non-residential institution floorspace (Class B1/D1), retail floorspace (class A1 - A3), car parking, cycle parking, hard and soft landscaping and other associated works.		
PA/15/03561 Inquiry	Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W	Partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated hard and soft landscaping works and the provision of cycle parking across all three sites.	DC refused against officer recommendation	12 December 2017 7 days
PA/15/00837 Inquiry	Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD	Demolition of the existing store and decked car park to allow for a replacement Sainsbury's store (Use Class A1) of 5,766 sqm. (net sales area), (11,208 sqm GIA to include a Use Class D1 'explore learning ' facility (118 sqm GIA), 871 sqm (GIA) of flexible retail/office/community floorspace (Use Class A1, A2, A3, B1 and D1) and 559 residential units (Use Class C3) arranged in 8 buildings, including a 28 storey tower (SDC refused on officer recommendation	TBC Likely at least 10 days
PA/17/01920 Inquiry	Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD	Demolition of the existing store and decked car park to allow for a replacement Sainsbury's store of 5,766 sqm (net sales area), 11,414 sqm (GIA) to include a Use Class D1 'explore learning ' facility (118 sqm GIA); 871 sqm (GIA) of flexible retail/office/community floorspace (Use Class A1, A2, A3, B1 and D1); 471 residential units arranged in 8 blocks ranging from six to 14 storeys in height.	Non determination	TBC Likely at least 10 days
PA/16/02808 Inquiry	225 Marsh Wall, London, E14 9FW	Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 332 residential units (Use Class C3); 810 square metres of community floorspace (use class D1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works.	SDC refused against officer recommendation	TBC Likely at least 7 days
PA/16/03535 Inquiry	106 Commercial Street	Conversion of building (class A1/B8) to fine dining food market (Class A3).	DC refused against officer recommendation	TBC Likely at least 5 days

PA/16/03771	1-3 Corbridge Crescent And 1-4 The Oval, London	Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide 57 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1).	SDC refused against officer recommendation	1 March 2018 Likely 4 days
PA/16/03773	1-3 Corbridge Crescent And 1-4 The Oval, London	Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 8 storeys to provide 51 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1).	SDC refused against officer recommendation	1 March 2018 Likely 4 days

6. BENCHMARKING AND PERFORMANCE

- 6.1 All appeal decisions are published on-line on the Planning Inspectorate website (<https://www.gov.uk/government/organisations/planning-inspectorate>) and the Council's on-line planning register (www.towerhamlets.gov.uk).
- 6.2 The Secretary of State takes into account the percentage of major decisions and non-major decisions that are subsequently overturned on appeal as an indicator of the quality of decisions made by planning authorities. This indicator is used alongside the speed of decisions making indicators in deciding whether to designate a poorly performing local planning authority.
- 6.3 The current criteria are 10% or more of all major decisions made by the authority subsequently overturned at appeal over a two year period and 10% or non-major decisions overturned at appeal over a two year period.
- 6.4 The latest data published by Department for Communities and Local Government (DCLG) covers appeal decisions on applications determined over a 24 months period to end of December 2016. Nine months are allowed after that for appeals to be made and decided.

- 6.5 This data shows that Tower Hamlets had only 1 of a total of 132 major decisions overturned at appeal. This is equivalent to 0.7%, ranking fifth out of 13 comparable inner London boroughs and 110 out of 336 local planning authorities in England.
- 6.6 For the same period 2,058 non-major decisions were made and 28 were overturned at appeal, equivalent to 1.4%. Tower Hamlets ranks 5th out of 13 comparable inner London authorities and 270 out of 336 local planning authorities in England.
- 6.7 In both cases Tower Hamlets is well below the designation criteria, again demonstrating that the quality of decision making was generally good over this two year period. The final data sets used for the designation process will cover a slightly different period from April 2015 to end of March 2017 and are due to be published shortly. Whilst there may be some adjustment to Tower Hamlets scores, it is likely to remain well below 10%.

Table 2 – Inner London authorities, major appeals

Local Authority	Total major planning decisions	Total major appeal decisions	Major decisions overturned at appeal	Quality of decisions (% overturned at appeal)
Hackney	81	3	0	0.0
Wandsworth	120	5	0	0.0
Southwark	118	1	0	0.0
Lewisham	85	3	0	0.0
Tower Hamlets	132	4	1	0.7
Lambeth	107	3	1	0.9
Islington	92	9	1	1.1
Newham	77	6	1	1.3
Greenwich	103	4	2	1.9
City of London	40	1	1	2.4
Kensington and Chelsea	78	7	5	6.4
Hammersmith and Fulham	58	5	4	6.8
Camden	109	11	8	7.1

Table 3 - Inner London authorities, non-major appeals

Local Authority	Total non-major planning decisions	Total non-major appeal decisions	Non-major decisions overturned at appeal	Quality of decisions (% overturned at appeal)
City of London	550	2	0	0.0
Wandsworth	6,463	163	47	0.7
Southwark	3,611	128	32	0.9
Westminster	8,063	289	103	1.3
Tower Hamlets	2,058	106	28	1.4
Camden	3,887	162	57	1.5
Lewisham	3,539	249	64	1.8
Hackney	3,003	169	59	2.0

Greenwich	2,734	186	54	2.0
Islington	3,024	215	63	2.1
Kensington and Chelsea	6,366	307	137	2.2
Hammersmith and Fulham	4,835	247	106	2.2
Lambeth	4,567	291	113	2.5

7. SUMMARY OF KEY APPEAL DECISIONS

7.1 This section provides a summary of key decisions and Inspector's comments which may be of interest to the Committee. These include a mix of appeals following delegated decisions and Committee decisions.

Former Stepney's Nightclub, 373 Commercial Road, Stepney

7.2 Planning permission was refused by the Council for the erection of a 3 storey mixed use building to provide new commercial floorspace within Use Class A1, A2 and/ or B1, together with 6 new homes on the upper floors including cycle parking, refuse/ recycling facilities and amenity provision. This was subsequently allowed on appeal on 28 October 2014.

7.3 The owner of the adjoining public house, the George Tavern, challenged the decision in the Court of appeal, initially on the grounds that the development would be adversely impacted by noise from the public house, which has hosted live music events over many years and that potential complaints from new residents would threaten the viability of the pub. The challenge also contended that the Inspector had not properly considered the effect of loss of light to the east windows of the adjoining George Tavern public house, which provide light to upper areas of the pub that are hired out and used for photography and film shoots.

7.4 The legal challenge was successful on the issue of consideration of loss of light and the appeal decision was quashed by order of the Court.

7.5 The appeal was re-run and a new hearing arranged with a different Inspector to consider all of the planning issues again. The Court's judgement did not criticise the Inspector's reasoning on the noise issue and the appellant continued to rely on its 2014 Acoustic Assessment Review. Further noise evidence was submitted by the owner of the George Tavern and the council.

7.6 The Inspector concluded that whilst the development would have some impact on daylight to the east facing windows this would not be noticeable on the basis of the BRE guidance. There would be reduction in direct sunlight in the winter months but in any event the actual availability of winter sunlight is unpredictable. Other habitable rooms would not be affected.

7.7 On the issue of noise from the operation of the public house as a live music venue, the Inspector's decision goes into much detail about the noise level assessments, the impact of noise and especially the low frequency bass beats, the attenuation and mitigation measures proposed in the new housing development and the likely impact on living conditions.

7.8 The Inspector was unable to conclude that a satisfactory living environment would be provided for future occupiers of the proposed flats. This in turn led her to conclude that the likelihood of complaints about noise nuisance would be relatively high and that

this would have a material bearing on any request to review the music licence at eth George Tavern. There would be a high probability that the future of the music venue would be put at risk if the appeal proposal were to go ahead.

- 7.9 The Inspector ultimately came to a different conclusion to the previous appeal decision that was quashed by the Court. The appeal was dismissed and planning permission refused based on the impact of noise on the future occupiers and the risk to the future viability of the public house.

Duke of Wellington Public House, 12 Toynbee Street, Spitalfields

- 7.10 This appeal concerned the change of use from a public house (Class A4) to a mixed public house and hotel (sui generis) with the public house being retained at basement & ground level, together with a two storey extension with mansard roof at second floor level and the installation of dormer windows to allow the conversion of the loft space into hotel accommodation.

- 7.11 The application was recommended for approval by officers, but planning permission was refused by Development Committee for reasons relating to

- The effect of the proposal on the viability and retention of the public house, an Asset of Community Value;
- The effect of the proposal on the safety and capacity of the road network in the vicinity of the appeal site;
- Whether the proposal should make provision for wheelchair accessible bedrooms.

- 7.12 The site had been the subject of a previous application for alterations and change of use of the upper floors to residential accommodation, also refused by the Council but not appealed.

- 7.13 The Council considered that the noise and disturbance generated by ordinary use of the bar and yard area would lead to tensions with the hotel users requirements for a reasonable degree of peace and quiet. This could lead to pressure to reduce or curtail public house activity.

- 7.14 However, the Inspector noted that the proposed hotel would be a small scale operation and the nature of the combined hotel and the pub use would reflect the long established tradition of let rooms above pubs. Prospective hotel users would be aware of the nature of this establishment when booking accommodation with its location above a traditional drinking establishment being an attractive feature. In this respect it would be highly unlikely that the activities of the public house would be so disruptive that the presence of the hotel would inevitably lead to pressure to reduce them and so diminish the social value of the pub.

- 7.15 There could be some potential for noise transference between the pub and hotel rooms, but the reconstruction associated with the proposal would provide an opportunity introduce an appropriate standard of noise insulation and that this could be controlled through the use of a planning condition.

- 7.16 In terms of future viability of the pub, objectors were concerned that this mixed use proposal would ultimately lead to the loss of the public house. The Inspector discussed the use of a condition requiring the Class A4 use to be retained as shown on the plans at ground floor and basement levels. Whilst noting that such a condition would not be able to secure the retention of the existing character of the pub or to

ensure it would fulfil the same community role, it would protect an existing community use in line with relevant policies. It would mean that the hotel use could not expand and occupy that area without further assessment by the Council through a planning application.

- 7.17 In terms of the safety and capacity of the road network, the Council's objections related to the use of private cars and taxis by hotel guests and the servicing requirements of the proposed hotel accommodation.
- 7.18 The Inspector concluded that the hotel guests are likely to be short-stay and could also bring some additional traffic in terms of private cars and taxis, though my view is that in this location most hotel users would use public transport to access the building. As this is already a busy commercial area, additional delivery and servicing vehicles to a hotel of this size would not in themselves add noticeably to congestion or road safety issues in this area. Nevertheless, there would be some increase in vehicle movements in this area which could impact on the free flow of traffic. Therefore further information about delivery and servicing arrangements should be required in order that they are suitably controlled, taking into consideration existing restrictions on movement in surrounding streets.
- 7.19 The London Plan Policy 4.5 states that where new hotel accommodation is created at least 10% should be wheelchair accessible. This would amount to a single room in this case. No such provision was made as part of the proposal. The Inspector comments that this is an existing building of modest size and meeting the terms of the policy would require internal alterations, including the installation of a lift, which would themselves reduce the floor area on the ground floor and so impact on the community facility that other policies seek to protect. The Inspector notes that whilst giving access to all is a priority, the effect on the achievement of this objective would be very limited given the London Plan's aim of achieving 40,000 net additional hotel bedrooms by 2036. In these circumstances, whilst the proposal is strictly contrary to Policy 4.5 a departure from it is justified by other material considerations.
- 7.20 The appeal was allowed and conditions included for details of sound-proofing, provision of a servicing and delivery plan and control over the 78 sq.m. of ground floor and basement floor space to be used as a public house (use class A4).

Flat 39A, Northesk House, Tent Street, Whitechapel

- 7.21 The appeal concerned the temporary change of use (for five years) of the flat from residential (class C3) to a short-term let (Class C1).
- 7.22 Permission was refused under delegated powers. The main issue was whether the proposed change of use would result in an unacceptable loss of a residential dwelling.
- 7.23 Policy 3.3 of the London Plan 2016 seeks to ensure the provision of an adequate housing supply in London. The Policy sets benchmark targets for the provision of additional homes in each London Borough over a ten-year period from 2015 to 2025. The Council's target over ten years is 39,314 new homes, which roughly equates to 3,931 new homes per year.
- 7.24 To help reach this target, Policy DM3 of the Tower Hamlets Managing Development Document 2013 (the Local Plan) seeks to ensure the retention of units in the existing housing supply. Policy DM7 of the Local Plan seeks to ensure that any development creating visitor accommodation does not compromise the Council's ability to meet housing supply targets.

- 7.25 The appellant contended that the change of use would not result in the loss of a housing unit because once any temporary planning permission expired the flat would revert to Class C3 use. The appellant suggested this is similar to a property being taken out of the available housing supply for renovation. The Inspector noted that unlike renovation, the change of use would result in the flat no longer being residential accommodation and therefore would result in a loss of a residential unit.
- 7.26 The Inspector also considered whether the detrimental effect of the change of use would be reduced by a shorter temporary permission. However he concluded that given Tower Hamlets very high target for new housing units, even the modest reduction of one unit for a short period of time would have a substantial detrimental effect on the Council's ability to meet its housing supply target. Therefore the proposed change of use would not be in accordance with Policies DM3 and DM7 of the Local Plan.
- 7.27 This decision is significant and helpful in terms of how the Council moves forward to tackle the growing issue of unlawful changes of use of residential properties to short term let properties advertised on internet platforms such as "Air BnB".

Harley House and Campion House, Frances Wharf

- 7.28 The appeal concerned roof extensions at 7th floor and 9th floor levels of the existing block of flats to provide 6 new residential units along with reconfiguration of 1 existing unit.
- 7.29 Officers had recommended that planning permission be granted and subject to a Section 106 agreement to provide three additional intermediate (shared ownership) residential units.
- 7.30 Development Committee refused permission for reasons relating to
- The effect of the proposal on the character and appearance of the area and the adjacent Limehouse Cut Conservation Area;
 - The effect of the proposal on the living conditions of existing occupiers with specific reference to sunlight, daylight and noise, disturbance, vibration and dust;
 - The proposal would represent over-development of the site; and
 - The proposal would be incremental development and should make provision for affordable housing.
- 7.31 The Inspector noted that area is characterised by a mix of building heights and designs. There are a number of taller buildings which exist or are approved to both the site's north and south sides including an 11 storey building, Argyll Point which sits to the north of the site. Permission also exists for an 11 storey building to the south side of Limehouse Cut which is under construction.
- 7.32 The additional storey would raise the building by only 2.75m at ninth floor level on a building which is over 30m high and would be set back from the main south elevation. Due to the small increase in height and set back of the proposal it would not interfere with long views of the canal from the surrounding area or result in a material increase

in enclosure or reduce openness. The Inspector concluded that the proposal would preserve the character and appearance of the Conservation Area.

- 7.33 The Inspector considers the impact on daylight and sunlight within the development in some detail. He concluded that there would be no materially harmful effect on daylight and sunlight. The short term impacts arising from constructing the extension (noise and disturbance) could be controlled through the use of a robust construction management plan, imposed by condition.
- 7.34 In terms of density, whilst the resultant proposal would exceed the densities set out in the London Plan and Housing SPG, there would only be a marginal increase in density when compared to the existing development. The Inspector considered there is no evidence to suggest that the proposal would put undue pressure on social infrastructure, amenities or services and disagreed with the Council's view that the qualitative concerns in the Housing SPG had not been met. . He concluded that an increase in density can be supported in the specific circumstances of this case.
- 7.35 Policy SP02 of the Core Strategy seeks to ensure that new housing assists in the creation of sustainable places by optimising the use of land and delivers the maximum reasonable amount of affordable housing. Policy DM3 of the MDD seeks to ensure that development maximises affordable housing and provides a balance of housing types. Criterion 4b of Policy DM3 states that affordable housing will be calculated based on the total housing existing or permitted as part of a development, where a scheme proposed additional housing.
- 7.36 In terms of incremental development, the supporting text at paragraph 3.8 goes on to state that "where a housing development has been permitted and the permission is subsequently amended (e.g. by means of a variation of the extant planning permission or a new planning application) to the extent that the development would provide 10 new units or more, affordable housing policies will be applied to the whole development and not restricted to the additional number of dwellings in the amended or new proposal".
- 7.37 The original planning permission³ provided 35% affordable housing by way of a section 106 agreement. The Council argued that as the proposed development involves the creation of additional residential units which would be both physically and functionally linked to an existing development which consists of more than 10 residential units, the appeal proposal would be incremental development and should provide a policy compliant level of affordable housing.
- 7.38 The Inspector commented that the wording of Policy DM3 and the supporting text is not entirely clear and thus open to interpretation and noted that the proposal does not seek to amend an extant planning permission. Whilst the proposal would result in the creation of new floor space the existing development is complete and occupied and has been for some time. The Inspector concluded that the proposal cannot, therefore, be considered to be incremental development and should be treated as a standalone application. Consequently, as the proposal is below the 10 unit threshold, the affordable housing requirement does not apply.
- 7.39 The Inspector went on to consider the unilateral undertaking suggested by the appellants to provide three intermediate units and recommended by officers. However he concluded that because the development would not be considered as incremental, the proposal would not be required to make any provision for affordable housing.

7.40 The appeal was allowed and permission granted, subject to planning conditions but without any requirement for affordable housing.

Vic Johnson House, Armagh Road, Bow

7.41 The appeal concerned the part demolition, part refurbishment, part new build extension to provide a total of 60 age-restricted apartments (over 55s) sheltered housing scheme, including new communal areas and managers' office) and associated landscaped gardens.

7.42 Officers had recommended that planning permission be granted. The Development Committee refused permission for reasons relating to;

- The effect of the proposed development on the character and appearance of the area, including the setting of the nearby conservation area;
- Provision of satisfactory living conditions for residents, with regard to indoor communal lounge space and communal outdoor space;
- The effect of proposed development's construction phase on the living conditions, health, and welfare of residents
- Inadequate provision for any additional need for affordable and wheelchair housing, employment and skills training, and parking demand arising from the development.

7.43 The appeal site accommodates 32 self-contained flats with accommodation restricted to people over 60 years of age. The majority of the flats are contained within a single three-storey building, set perpendicularly with Armagh Road. The accommodation also contains managed internal communal areas, with outdoor communal space to the south of the main building, and parking and vehicular circulation areas to the north, adjacent to the building's main entrance.

7.44 The appeal proposal included the retention of the existing flats and the creation of 28 new flats. The existing three-storey building would be extended to the rear of the site, occupying the present location of a separate flat. Most of the new accommodation would be in the space presently occupied by the single-storey element. There would be some renewal of the existing elevations, with the new-build elements integrated to the main building and incorporating a contemporary appearance.

7.45 The Inspector considered the proposed height and massing of the development, the proposed set back from the street and the proposed materials in the context of a varied street scene and the varying heights of surrounding buildings. The Inspector also took into account the view northwards from Roman Road Market Conservation Area.

7.46 The Inspector concluded that the wide variation in the appearance, age and ornamentation of buildings within the immediately surrounding area meant there was an absence of unifying or predominant character elements, and as such, the proposed building would not be out of character. He also noted that the distance retained between the proposed building and the conservation area boundary along the site's southern edge would ensure it would not appear overbearing or dominant.

- 7.47 The Council had raised concerns about the effect of the development on reducing the amount of indoor communal space (lounge) and outdoor communal space within the grounds of the development.
- 7.48 The Inspector noted that neither the Council's Local Plan nor the London Plan incorporates standards for the provision of communal or amenity space in sheltered housing developments. However the small reduction in the amount of indoor and outdoor communal space must be balanced against the proposed increase in the occupation of the site, as well as any loss of amenity for existing residents.
- 7.49 The Inspector noted that the present facilities remain usable and are clearly valued by residents. However, on balance, considered that the provision of improved facilities (despite the small reduction in size), would not lead to a loss of their value. The investment and modernisation of these facilities is likely to ensure that they remain fit for purpose and satisfactorily serve the development's existing and future residents. He concluded that the proposed development would provide satisfactory living conditions the residents, with regard to indoor communal lounge space, and communal outdoor space.
- 7.50 The Council and existing residents of the development expressed concerns about the impacts of the proposed development on their living conditions, particularly in respect of the effects of construction and any stress that could result from 'decanting' of residents or moving between flats or locations. The Inspector agreed this is a particularly sensitive issue, bearing in mind the ages of residents, their periods of residency, and "the importance attached to their homes as places of sanctuary and shelter".
- 7.51 The appellant provided a proposed mitigation framework for existing residents, to apply during the construction phase, which included measures such as provision of a respite area, transport to and attendance at partner facilities within the area, and appointment of a resident liaison officer, one-to-one communication meetings, and noticeboard and website updates.
- 7.52 The Inspector acknowledged that the proposed measures would not ameliorate all impacts of construction, but considered that combined with detailed construction management plan, that the appellant is committed to residents' welfare and minimising these impacts as much as possible. The use of conditions to control these matters would be sufficient to allow permission to be granted.
- 7.53 The appeal was allowed and permission granted subject to conditions.

DECIDED APPEALS

Reference	Address	Description	LBTH Decision Date	Decision Level	Decision	Appeal Decision Date	Appeal decision
PA/15/01851/NC	18 Old Bellgate Place, London, E14 3SW	Application for certificate of lawfulness in respect of existing use of former garage as a self-contained dwelling house.	17/09/2015	DEL	Refuse	20/05/2016	Dismiss
PA/15/01224/NC	245-247 Mile End Road, London, E1 4BJ	Application for certificate of lawfulness in respect of existing high level advertisement signs to side and front of building.	09/07/2015	DEL	Refuse	04/07/2016	Dismiss
PA/14/03474/A1	519-523 Cambridge Heath Road, London, E2 9BU	Demolition of the existing building and construction of a new five storey building to provide training facility (Class D1) at ground floor and nine dwellings (Class C3) on first to fourth floors (2 x 3 bed, 5 x 2 bed and 2 x 1 bed.)	23/10/2015	DEL	Refuse	05/10/2016	Allowed
PA/15/02890/NC	379 Mile End Road, London, E3 4QS	Replacement and relocation of front facade and windows.	24/12/2015	DEL	Refuse	21/10/2016	Dismiss
PA/15/03058/R	357-361 Commercial Road, London	First floor rear extension, second floor rear extension, and roof extension at 361 Commercial Road. Second floor rear extension to 357 and 359 Commercial Road.	27/01/2016	DEL	Refuse	25/10/2016	Dismiss
PA/16/00254/NC	16-36 Goulston Street, London, E1 7TL	Erection of a 2.3 metre high metal security gate on a private estate road between nos. 16 and 36 Goulston Street at the entrance to Herbert House and Jacobson House.	24/03/2016	DEL	Refuse	31/10/2016	Dismiss
PA/16/00451/R	103 Bow Road, London	Erection of a three storey rear extension and installation of UPVC window at second floor level to the rear of the building.	07/06/2016	DEL	Refuse	31/10/2016	Dismiss
PA/15/02971/R	Flat 1, 1 Wellington Way, London, E3 4NE	Erection of a single storey infill extension at rear of ground floor flat and internal alterations.	19/04/2016	DEL	Refuse	31/10/2016	Dismiss

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Reference	Address	Description	LBTH Decision Date	Decision Level	Decision	Appeal Decision Date	Appeal decision
PA/15/02972/R	Flat 1, 1 Wellington Way, London, E3 4NE	Erection of a single storey infill extension at rear of ground floor flat and internal alterations	19/04/2016	DEL	Refuse	31/10/2016	Dismiss
PA/15/03244/NC	1 Hickin Street, London, E14 3LW	Proposed porch, rear extension and loft conversion (retrospective).	07/03/2016	DEL	Refuse	02/11/2016	Allowed
PA/16/00526/NC	Flat 69, Solander Gardens, Lowood Street, London, E1 0DW	Single storey rear extension and enclosure of front porch.	25/04/2016	DEL	Refuse	21/11/2016	Allowed
PA/15/03171/R	19 Senrab Street, London, E1 0QE	Roof conversion and dormer to rear.	23/06/2016	DEL	Refuse	29/11/2016	Dismiss
PA/16/00981/R	2A-20A Spelman Street, London, E1 5LQ	Replacement of timber sash to UPVC sash at 2a, 2b, 4, 6a, 6b, 8a, 8b, 10a, 10b, 12a, 12b, 14, 16a ,18a ,and 20a Spelman street.	06/07/2016	DEL	Refuse	30/11/2016	Dismiss
PA/16/00983/R	11-25B Casson Street, London, E1 5LA	Replacement of timber sash windows to UPVC sash at 11, 13, 15, 19A, 19B, 25A, 25B Casson Street.	13/06/2016	DEL	Refuse	30/11/2016	Dismiss
PA/15/02894/NC	Lancaster Drive, Jamestown Harbour Estate, London E14	Erection of electronically controlled security gates fronting Lancaster Drive, Jamestown Hraour Estate, off Prestons Road	18/02/2016	DEL	Refuse	05/12/2016	Allowed
PA/16/00637/NC	129 Mile End Road, London, E1 4UJ	Removal of part of roof structure and construction of extension to second floor / roof of building with associated external and internal works.	05/05/2016	DEL	Refuse	15/12/2016	Allowed
PA/16/00638/R	129 Mile End Road, London, E1 4UJ	Removal of part of roof structure and construction of extension to second floor / roof of building with associated external and internal works.	05/05/2016	DEL	Refuse	15/12/2016	Allowed
PA/15/02991/NC	199 and 199A East Ferry Road, London, E14 3BB	Demolition of 2 existing dwelling houses and construction of 5 dwelling houses. Removal of some existing trees on site and construction of bike store and composting facility.	23/03/2016	DEL	Refuse	16/12/2016	Dismiss

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Reference	Address	Description	LBTH Decision Date	Decision Level	Decision	Appeal Decision Date	Appeal decision
PA/16/00956/R	196A-B Old Ford Road, London, E2 9PT	Ground and first floor extension to existing house.	26/07/2016	DEL	Refuse	04/01/2017	Dismiss
PA/16/01392/R	15 Artillery Passage, London, E1 7LJ	First Floor rear Extension	26/07/2016	DEL	Refuse	06/01/2017	Dismiss
PA/16/01393/R	15 Artillery Passage, London, E1 7LJ	First Floor rear Extension	26/07/2016	DEL	Refuse	06/01/2017	Dismiss
PA/16/01298/R	42 Arnold Road, London, E3 4NU	Demolition of existing rear lean-to and erection of new single storey Orangery extension.	28/07/2016	DEL	Refuse	11/01/2017	Dismiss
PA/16/01299/R	42 Arnold Road, London, E3 4NU	Demolition of existing rear lean-to and erection of new single storey Orangery extension.	28/07/2016	DEL	Refuse	11/01/2017	Dismiss
PA/15/02021/A1	16A, Martha Street, London, E1 2PX	Conversion of void space at ground floor to one bedroom flat and alterations including opening of window to east elevation and insertion of two windows to west elevation and removal of metal gates to front elevation.	05/04/2016	DEL	Refuse	13/01/2017	Allowed
PA/16/01285/R	East One Building, 22 Commercial Street, London, E1 6LP	Application for advertisement consent for the display of 1x LED panel and associated cladding.	06/07/2016	DEL	Refuse	13/01/2017	Dismiss
PA/16/00684/R	Flat B, 17 Wentworth Street, London, E1 7TB	New timber decking with steel support structures to rear of flat B (second floor) roof of flat A at first floor level with obscure balustrade to perimeter to form terrace.	11/05/2016	DEL	Refuse	06/02/2017	Dismiss
PA/16/01764/NC	Advert 150 East India Dock Road, East India Dock Road, London	Replacement of existing single sided internally-illuminated backlit 48 sheet advertising unit with single new internally-illuminated digital LED 48 sheet advertising unit	18/08/2016	DEL	Refuse	13/02/2017	Allowed
PA/16/01382/R	Advert Flank Wall Dundee Arms 339, Cambridge Heath Road, London	Display of an illuminated advertising hoarding (retrospective) on the southern flank wall of existing public house.	18/08/2016	DEL	Refuse	13/02/2017	Dismiss

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Reference	Address	Description	LBTH Decision Date	Decision Level	Decision	Appeal Decision Date	Appeal decision
PA/15/01601/A1	Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT	Part demolition, part refurbishment, part new build (extension) to total 60 age restricted apartments (over 55s) sheltered housing scheme, including new communal areas (loung, function room, hair salon and managers office), and associated landscape gardens. The proposed use remains as existing. The scheme is on part 2, part 3 and part 4 storeys.	18/12/2015	DC	Refuse	14/02/2017	Allowed
PA/15/01608/R	10 Tredegar Square, London, E3 5AD	Wooden bin bag store and external double doors in basement.	15/08/2016	DEL	Refuse	17/02/2017	Dismiss
PA/16/00829/R	Flat 22, Pakenham House, Wellington Row, London, E2 7BA	Erection of single storey rear extension.	06/07/2016	DEL	Refuse	23/02/2017	Dismiss
PA/16/02919/R	Land at Whitechapel Road/ Cambridge Heath Road, Tower Hamlets, E1	Removal of existing internally illuminated 12m x 3m advertisement, to be replaced by a 12m x 3m internally illuminated digital advertisement.	29/11/2016	DEL	Refuse	09/03/2017	Dismiss
PA/16/03036/NC	3 Isambard Mews, London, E14 3XB	Single storey side and rear extension.	24/01/2017	DEL	Refuse	22/03/2017	Allowed
PA/16/03236/NC	29 Alderney Road, London, E1 4EG	Roof alterations including replacement of pitched roof with mansard roof, rear dormer window and extension at roof level over the existing outrigger. Single storey rear extension	18/01/2017	DEL	Refuse	22/03/2017	Allowed
PA/16/02345/R	40 Claire Place, London, E14 8NJ	Conversion of a loft space to form an additional bedroom with associated dormer.	11/11/2016	DEL	Refuse	27/03/2017	Dismiss
PA/16/02593/NC	33 Eric Street, London, E3 4TG	Excavation of lightwell to the front of the property with insertion of bay style window and installation of a cast iron grille to the front.	01/11/2016	DEL	Refuse	28/03/2017	Allowed
PA/16/01149/R	8 Sewardstone Road, London, E2 9JG	Roof extension to existing two-storey property to include construction of box dormer.	26/09/2016	DEL	Refuse	31/03/2017	Dismiss

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Reference	Address	Description	LBTH Decision Date	Decision Level	Decision	Appeal Decision Date	Appeal decision
PA/16/02488/R	White Hart Public House, 1 Mile End Road, London, E1 4TP	Externally illuminated advertisement projected onto a shroud and supported by scaffolding	01/11/2016	DEL	Refuse	31/03/2017	Dismiss
PA/16/02801/R	24 Durant Street, London, E2 7BP	Proposed rear and side extensions with internal refurbishment.	17/11/2016	DEL	Refuse	07/04/2017	Dismiss
PA/16/01278/R	233-237 East India Dock Road, London, E14 0EG	3rd and 4th roof extension to incorporate 2 x One bedroom flats, 2 x two bed room flats and 1 x three bedroom flat.	22/07/2016	DEL	Refuse	27/04/2017	Dismiss
PA/16/02824/R	Flat 15 - 16, Bullen House, Collingwood Street, London E1 5DY	Conversion of property back into two self contained flats	10/11/2016	DEL	Refuse	27/04/2017	Dismiss
PA/15/02489/A1	Duke Of Wellington, 12-14 Toynbee Street, London, E1 7NE	Change of use from public house (A4) to a mixed public house / hotel use (sui generis). Erection of two storey extension at second floor and roof level and installation of dormer windows to allow the conversion of the first, second and third floor to accommodate 11 hotel rooms. (AMENDED DESCRIPTION).	28/04/2016	DC	Refuse	28/04/2017	Allowed
PA/16/01872/R	32C East India Dock Road, London, E14 6JJ	Mansard Loft extension to a one bedroom flat, creating a two bedroom maisonette	22/08/2016	DEL	Refuse	02/05/2017	Dismiss
PA/16/02230/R	Arnhem Wharf, 2 Arnhem Place, London, E14 3RU	Proposed 2.4m security fencing and access gates located between the building and the River Thames.	20/09/2016	DEL	Refuse	02/05/2017	Dismiss
PA/11/03302/R	George Tavern, 373 Commercial Road, London, E1 0LA	Demolition of a vacant single storey nightclub building attached to the listed George Tavern public house and 2a Aylward Street listed building within Commercial Road conservation area and re-development of site for commercial and residential use.	31/07/2013		Refuse	03/05/2017	Dismiss

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Reference	Address	Description	LBTH Decision Date	Decision Level	Decision	Appeal Decision Date	Appeal decision
PA/11/03301/A1	George Tavern, 373 Commercial Road, London, E1 0LA	Demolition of existing/vacant single-storey building adjacent to the George Tavern (PH). The re-development of site by the erection of a 3 storey mixed use building to provide new commercial floor space falling within use classes A1, A2 and/or B1 together with 6 new flats (3 x 1 bed & 3 x 2 beds) on upper floors including cycle parking, refuse/recycling facilities and amenity provision.	31/07/2013		Refuse	03/05/2017	Dismiss
PA/11/03367/R	Former Stepneys Nightclub, 373 Commercial Road, London, E1 0LA	Minor alteration works to the eastern flank wall and southern wall of 2a Aylward Street and to the eastern flank wall of the George Tavern Public House	31/07/2013		Refuse	03/05/2017	Dismiss
PA/16/01252/R	Unit F2, 82-88 Mile End Road, London, E1 4UN	Retrospective application for change of use of lower floors of unit f2, 82-88 mile end road to residential accommodation.	12/10/2016	DEL	Refuse	12/05/2017	Dismiss
PA/16/03093/R	Land at rear of 48 to 52 Grove Road, London	Erection of single storey B1 (office) building and extension to cycle storage	12/01/2017	DEL	Refuse	18/05/2017	Dismiss
PA/16/02620/R	Trinity Hall, 6 Durward street, London, E1 5BA	Proposed extension and alteration at roof level to provide one x 2 bed flat.	27/10/2016	DEL	Refuse	18/05/2017	Dismiss
PA/16/02009/R	35 Artillery Lane and 1 To 2 Steward Street, Artillery Lane, London	Demolition of existing 5th floor mansard roof and erection of 5th floor brick facade to existing commercial space. Erection of additional 2 storey residential maisonette apartment at 6th floor and 7th floor levels.	08/09/2016	DEL	Refuse	19/05/2017	Dismiss
PA/16/02828/R	City & Central Cars, 323 Bethnal Green Road, London, E2 6AH	Demolishment of existing 2 storey building and replacement with 3 storey building & basement. Change of use from retail to mixed used retail & residential	05/12/2016	DEL	Refuse	23/05/2017	Dismiss

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Reference	Address	Description	LBTH Decision Date	Decision Level	Decision	Appeal Decision Date	Appeal decision
PA/15/03433/A1	Harley House and Campion House, Frances Wharf, LONDON	Roof extensions at 7th floor and 9th floor levels to provide 6 new residential units of use class C3 along with reconfiguration of 1 existing unit at Harley House and Campion House, Frances Wharf, Burdett Road. (Amended design of roof extensions)	29/11/2016	DC	Refuse	02/06/2017	Allowed
PA/16/01125/R	93 Ricardo Street, London, E14 6EQ	Erection of dormer loft conversion.	21/06/2016	DEL	Refuse	07/06/2017	Dismiss
PA/16/01670/NC	Telecommunications Base Station, Collingwood Street, London	Proposed telecommunications installation and associated works including: x1 Lancaster Enclosure x2 Cabinets x1 Street Pole	20/10/2016	DEL	Refuse	22/06/2017	Allowed
PA/16/03272/R	9 Elizabeth Close, London, E14 6DW	Proposed conversion of third floor (loft) into habitable floor space and the construction of a dormer window on the rear elevation and 3no roof lights on the front elevation	19/01/2017	DEL	Refuse	14/07/2017	Dismiss
PA/17/00064/R	Flat 39A, Northesk House, Tent Street, London, E1 5DS	Change of Use from C3 to C1 (Short-term Let) for a temporary period of 5 years	23/02/2017	DEL	Refuse	25/07/2017	Dismiss
PA/16/03750/R	8 Tredegar Road, London	Erection of dormer roof extension at the rear of the property.	27/02/2017	DEL	Refuse	27/07/2017	Dismiss
PA/16/03384/NC	Stars Cottage, 4 Mews Street, LONDON, E1W 1UG	Removal and replacement of existing single glazed timber windows and rear doors with double glazed aluminium windows and doors.	31/03/2017	DEL	Refuse	31/07/2017	Allowed
PA/16/03205/NC	3 Mews Street, London, E1W 1UG	Replace existing timber doors and windows with double-glazed aluminium doors and windows.	25/01/2017	DEL	Refuse	31/07/2017	Allowed
PA/16/03383/NC	Swan Cottage, 2 Mews Street, London, E1W 1UG	Removal and replacement of existing single glazed timber and doors with double glazed aluminium windows and rear doors.	31/03/2017	DEL	Refuse	31/07/2017	Allowed
PA/17/00063/R	14 Matlock Street, London, E14 7NN	Erection of a part single, part two storey rear extension	16/03/2017	DEL	Refuse	04/08/2017	Dismiss

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Reference	Address	Description	LBTH Decision Date	Decision Level	Decision	Appeal Decision Date	Appeal decision
PA/17/00375/NC	12 Galsworthy Avenue, London, E14 7RA	Notification for Prior Approval for a Proposed Larger Home Extension under Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Class A	22/03/2017	DEL	Prior Approval Refused	04/08/2017	Dismiss
PA/16/03530/R	The Crown Public House, 667 Commercial Road, London, E14 7LW	LED panel 3m high by 6m wide showing sequential static displays	07/02/2017	DEL	Refuse	11/08/2017	Dismiss
PA/17/00137/NC	23 Rigden Street, London, E14 6DJ	Erection of a 2-storey rear extension; addition of two bedrooms to create a 7-bed HMO (Sui Generis); internal and external alterations.	13/04/2017	DEL	Refuse	11/08/2017	Dismiss
PA/16/03754/R	161 Bethnal Green Road, London	Application for consent to display an advertisement for erection of a wall mounted digital advertising display	03/03/2017	DEL	Refuse	15/08/2017	Dismiss
PA/16/03292/NC	27A Lockhart Street, London, E3 4BL	Erection of a single storey side extension to the ground floor flat	09/01/2017	DEL	Refuse	18/08/2017	Allowed
PA/16/03522/NC	536 Roman Road, London, E3 5ES	Change of use from existing retail unit (Use Class A1) to part retail/part restaurant use (Use Class A1/A3). Installation of a new extractor flue (cooker hood) on the rear elevation of the building.	11/04/2017	DEL	Refuse	22/08/2017	Allowed
PA/17/00125/R	77 Ricardo Street, London, E14 6EQ	Single storey rear extension	13/03/2017	DEL	Refuse	24/08/2017	Dismiss
PA/17/00639/NC	5 Mariners Mews, London, E14 3EQ	Widening of existing second floor patio door openings plus replacements of existing timber window/door with aluminium/timber composite window.	26/04/2017	DEL	Refuse	04/09/2017	Dismiss
PA/17/00138/R	3 Ford Road, London, E3 5LY and 503 Roman Road, London, E3 5LX	Conversion of disused retail unit to a studio flat with alterations to shopfront.	10/03/2017	DEL	Refuse	12/09/2017	Dismiss

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Reference	Address	Description	LBTH Decision Date	Decision Level	Decision	Appeal Decision Date	Appeal decision
PA/16/03120/R	156-158 Mile End Road, London, E1 4LJ	Retrospective planning application for change of use from Large HMO (Sui Generis) to Hostel (Sui Generis).	08/03/2017	DEL	Refuse	15/09/2017	Dismiss
PA/15/03326/R	60-62 Cleveland Way, London, E1 4UF	Application for certificate of lawfulness in respect of existing unit running a sushi delivery business, preparation of cold foods and sales, no consumption on site.	24/10/2016	DEL	Refuse	19/09/2017	Dismiss
PA/16/02222/R	269-271 Stepney Way, London, E1 3DH	Retention of existing building, with alterations including: Additional windows Changes to external materials Increased parapet height Additional of one residential unit and changes to the mix of housing	04/10/2016	DEL	Refuse	21/09/2017	Dismiss
PA/17/00484/NC	36 Blondin Street, London, E3 2TR	The erection of a dormer extension on the rear elevation as well as 3 roof lights on the front elevation. Replacement of all existing glazing with high performance triple-glazed UPVC frame windows, and the installation of 2 glazed roof lights to rear dormer.	27/04/2017	DEL	Refuse	27/09/2017	Part allowed
PA/17/00037	18 East India Dock Road, London, E14 6JJ	Subdivision of the existing property into three no. residential units comprising 1 no. 1 bedroom (2 person) lower ground floor level unit, 1 no. 1 bedroom (1 person) ground floor unit and 1 no. 3 bedroom (4 person) maisonette across the first and second floors, together with a part single and part 3 storey rear extension.	01/03/2017	DEL	Refuse	17/10/2017	Dismiss

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Reference	Address	Description	LBTH Decision Date	Decision Level	Decision	Appeal Decision Date	Appeal decision
PA/16/02859	Flat 75, Exchange Building, 132 Commercial Street, London, E1 6NQ	Construction of a new roof extension at eighth floor level to provide additional sleeping accommodation to the existing dwelling. Replacement of existing rooflight above communal lobby void to accommodate extended lift run.	22/11/2016	DEL	Refuse	17/10/2017	Dismiss
PA/17/00191/A1	72 Manilla Street, London	The demolition of the existing garage (light industrial B1(c) - NIA 100 sq m) single storey building on the site and the erection of an 8 storey building to accommodate a ground floor B1a office unit (42 sq m) and 6 flats (1 x 3 bedroom and 5 x 1 bedroom) on the upper floors and a communal residential roof terrace at roof level	24/04/2017	DEL	Refuse	18/10/2017	Allowed
PA/16/02814/R	2 Coverley Close, London, E1 5HY	Application for Prior Approval for the erection 6m rear extension to create two extra rooms and one bathroom	11/11/2016	DEL	Prior Approval Refused	18/10/2017	Dismiss
PA/16/01892/R	Pier Tavern, 299 Manchester Road, London, E14 3HN	Demolition of the existing public house (Class A4), and the erection of a 6 storey residential (Class C3) development consisting of 16 units.	06/02/2017	DEL	Refuse	02/11/2017	Dismiss
PA/17/00133/R	26-28 Brick Lane, London, E1 6RF	Change of Use from A1 Sandwich/cake bar to A5 Hot Food Takeaway and installation of ventilation duct to the side of the property	03/04/2017	DEL	Refuse	08/11/2017	Dismiss
PA/16/02590/NC	88 Whitethorn Street, London, E3 4DB	Front infill extension and single storey rear extension	26/01/2017	DEL	Refuse	16/11/2017	Allowed

CURRENT LIVE APPEALS

Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/15/03561	Site at 14 to 16 Clegg Street, 13 to 15 Cinnamon Street and 125 to 129 Wapping High Street, London E1W	Partial demolition of the existing buildings and redevelopment of all three sites to create 41 residential units and a retail unit along Wapping High Street, together with associated hard and soft landscaping works and the provision of cycle parking across all three sites. Site A would contain the majority of the units, with 27 flats; Site B would contain 10 and Site C, the 4 town houses. Amendments consist of the enlargement of the footpath along the eastern edge of Clegg Street (Site C) to 1.50m wide; Marketing Assessment Comparables and Market Assessment for the application sites; closing the walls between Site B and neighbouring residential buildings, Ross and Tasman Houses; and detailed articulation in proposed brick work added to north west elevation of Site A.	22/12/2016	NEY	Refuse	23/01/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/16/01962/R	419-425 Commercial Road, London, E1 0HA	Display of various non illuminated small advertising panels. 1 panel measuring: H - 1740mm x W - 5240mm 1 panel measuring: H - 1740mm x W - 3250mm 1 panel measuring: H - 1740mm x W - 2240mm 4 panels measuring: H - 1740mm x W - 1200mm	16/11/2016	DEL	Refuse	07/03/2017
PA/16/02335/R	7, 8 And 10 Teesdale Yard, London, E2 6QE	Application for certificate of lawfulness in respect of existing use as a single dwelling house began more than four years before the date of this application.	18/11/2016	DEL	Refuse	10/03/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/15/02929	Site between Varden Street and Ashfield Street (Whitechapel Estate), London, E1	Demolition of all existing buildings and redevelopment to provide 12 buildings ranging from ground plus 2 - 23 storeys (a maximum 94m AOD height), comprising 343 residential dwellings (class C3), 168 specialist accommodation units (Class C2), office floorspace (class B1), flexible office and non-residential institution floorspace (Class B1/D1), retail floorspace (class A1 - A3), car parking, cycle parking, hard and soft landscaping and other associated works.	17/10/2016	SDC	Refuse	10/03/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/16/01081/R	Balmoral House, 12 Lanark Square, London E14	Erection of three additional storeys to building to create nine new residential units (4 x 1 bed, 3 x 2 bed and 2 x 3 bed) plus external amenity space, associated refuse storage and secure cycle parking.	22/05/2017	NEY	Refuse	27/06/2017
PA/16/03175/R	23 Tomlins Grove, London, E3 4NX	Application for Listed Building Consent to strip paint from front elevation face brickwork.	30/03/2017	DEL	Refuse	06/07/2017
PA/17/00754/R	50-52 Brushfield Street, London	Temporary advertisement consent to display a non-illuminated scaffold shroud display from 17/07/2017 to 11/01/2018.	16/05/2017	DEL	Refuse	11/07/2017
PA/16/03178/R	18 to 76 (evens) Bromley Street, London, E1 0NB	Replacement of front and rear single glazed timber sash windows with double glazed timber framed sash windows.	18/01/2017	DEL	Refuse	14/07/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/16/02795/R	Land at rear of 129 Cadogan Terrace, Cadogan Terrace, London	Demolition of existing walls and erection of a two storey building to provide a cafe and offices	30/05/2017	DEL	Refuse	21/07/2017
PA/16/03745/R	Studio 4, 71 Stepney Green, London, E1 3LE	Provision of a glazed door on the north-east elevation	22/02/2017	DEL	Refuse	26/07/2017
PA/17/00761/R	Flat 5, Ivory House, East Smithfield, London, E1W 1AT	Replacement of the existing single glazed casement windows on North and South facades and casement windows and French door set on the East facade, with new double glazed timber framed units and sills.	10/05/2017	DEL	Refuse	02/08/2017
PA/17/00762	Flat 5, Ivory House, East Smithfield, London, E1W 1AT	Replacement of the existing single glazed casement windows on North and South facades and casement windows and French door set on the East facade, with new double glazed timber framed units and sills.	10/05/2017	DEL	Refuse	02/08/2017
PA/16/03784/R	Studio 4, 71 Stepney Green, London, E1 3LE	Provision of a glazed door on the north-east elevation	22/02/2017	DEL	Refuse	07/08/2017

Appeals Report – Appendix 1

Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/17/00477/R	604A Commercial Road, London, E14 7HS	Conversion of basement storage vaults and installation of lightwell under existing grating.	30/05/2017	DEL	Refuse	10/08/2017
PA/17/00478/R	604A Commercial Road, London, E14 7HS	Conversion of basement storage vaults and installation of lightwell under existing grating.	30/05/2017	DEL	Refuse	10/08/2017
PA/16/03734/R	11 Hanbury Street, London, E1 6QL	Retention of two chillers on the south roof	07/04/2017	DEL	Refuse	14/08/2017
PA/17/01405/R	16A Turners Road, London, E3 4LE	Construction of an additional room and w/c in the loft space at the rear of the property. Sedum roof to the front of the property with maintenance access from the proposed loft room.	13/07/2017	DEL	Refuse	14/08/2017
PA/17/00726/R	1-5 Alfred Street, London	Fourth floor roof extension to 1-5 Alfred Street to create 2 no. 2 bedroom residential dwellings	12/05/2017	DEL	Refuse	18/08/2017
PA/17/01456/R	2 & 3 Ambassador Square, London, E14 9UX	Proposed first floor rear extension at nos 2 and 3 Ambassador Square	20/07/2017	DEL	Refuse	30/08/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/17/01782/R	3 Undine Road, London, E14 9UW	Erection of Conservatory to rear elevation of ground floor flat.	25/08/2017	DEL	Refuse	05/09/2017
PA/16/03043/S	58 To 64 Three Colts Lane And 191 To 205 Cambridge Heath Road, London, E2 6JR	Application for variation of condition 2 (Approved plans) and removal of condition 19 (Commercial units) of planning permission PA/14/03569 dated 20/03/2015 to allow the provision for a ground floor A4 use.	22/08/2017	DEL	Permit	06/09/2017
PA/17/01619/R	2 Macquarie Way, London, E14 3AU	Single storey rear extension.	09/08/2017	DEL	Refuse	18/09/2017
PA/16/01798/R	Millwall Outer Dock, London, E14 9RP	Erection of a 16 berth residential mooring, including the installation of mooring pontoons and associated site infrastructure.	20/06/2017	NEY	Refuse	19/09/2017
PA/17/01187/R	19 Lime Close, London, E1W 2QP	Proposed addition of a ground floor rear extension, a front hipped roof extension at second floor and the addition of two new rooflights to front roof slope.	10/07/2017	DEL	Refuse	29/09/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/17/01307/R	29 Wellington Row, London, E2 7BB	Extension works for a ground floor side return extension and a first floor extension above the existing building footprint	14/07/2017	DEL	Refuse	06/10/2017
PA/17/01759/R	74 Whitechapel High Street, London, E1 7QX	Micromesh PVC with printed visual representation of host building covering 100% of whitechapel high street elevation and 70% of osborn street elevation, with 30% sponsorship area inset.	22/08/2017	DEL	Refuse	17/10/2017
PA/17/01889/R	Unit 105 -106, Cannon Workshops, 3 Cannon Drive, London, E14 4AS	Retrospective application for alteration to windows and doors, and ductwork to a Grade II listed building.	22/09/2017	DEL	Refuse	17/10/2017
PA/17/01890/R	Unit 105-106, Cannon Workshops, 3 Cannon Drive, London, E14 4AS	Retrospective application for alteration to windows and ductwork to a Grade II listed building.	22/09/2017	DEL	Refuse	17/10/2017
PA/17/01748/R	234 Cambridge Heath Road, London, E2 9NN	Advertisement on a scaffold shroud	23/08/2017	DEL	Refuse	18/10/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/17/01018/R	31 New Road, London, E1 1HE	Erection of mansard roof and change of use of upper floors to provide a 2 bedroom self-contained flat.	13/06/2017	DEL	Refuse	23/10/2017
PA/17/01020/R	31 New Road, London, E1 1HE	Erection of mansard roof and change of use of upper floors to provide a 2 bedroom self-contained flat.	13/06/2017	DEL	Refuse	23/10/2017
PA/17/01232/R	Flat 37A, Ajax House, Old Bethnal Green Road, London, E2 6QY	Extension above existing flat roof at third floor level with new windows.	13/07/2017	DEL	Refuse	23/10/2017
PA/16/03535/R	106 Commercial Street, London, E1 6LZ	Conversion of building (class A1/B8) to fine dining food market (Class A3).	16/06/2017	NEY	Refuse	30/10/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/15/00837/R	Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD	Demolition of the existing store and decked car park to allow for a replacement Sainsbury's store (Use Class A1) of 5,766 sqm (net sales area), (11,208 sqm GIA to include a Use Class D1 'explore learning ' facility (118 sqm GIA), 871 sqm (GIA) of flexible retail/office/community floorspace (Use Class A1, A2, A3, B1 and D1) and 559 residential units (Use Class C3) arranged in 8 buildings, including a 28 storey tower (101.375m (AOD)), an energy centre and plant (2,509 sqm (GIA)) is proposed at basement level with 240 'retail' car parking spaces and 40 disabled car parking spaces for use by the proposed residential units. 2 additional disabled parking bays are proposed at ground floor level at Merceron Street. The creation of an east-west public realm route from Cambridge Heath Road to Brady Street, including further public realm provision and associated highway works to Brady Street, Merceron Street, Darling Row, Collingwood Street and Cambridge Heath Road.	11/05/2017	SDC	Refuse	06/11/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/17/00422/R	250 Bethnal Green Road, London, E2 0AA	The demolition of the existing building and the construction of a 5 storey building to provide a commercial unit (A1 Use Class) and 5 residential units, comprising 4 x studio units and 1 x 2 bedroom maisonette.	10/05/2017	DEL	Refuse	06/11/2017
PA/17/01719/R	7 Barnes Street, London, E14 7NW	Addition of a rear extension to the existing kitchen, opening up one wall.	29/08/2017	DEL	Refuse	12/11/2017
PA/17/01720/R	7 Barnes Street, London, E14 7NW	Construct rear extension to the existing kitchen, opening up one wall.	29/08/2017	DEL	Refuse	13/11/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/16/03771/R	1-3 Corbridge Crescent And 1-4 The Oval, London E2 9DS	Demolition of existing single storey commercial buildings, with the retention, restoration, external alteration and residential conversion of the existing Regency and Victorian Cottages, together with the erection of three linked blocks of 4, 5 and 10 storeys to provide 57 residential dwellings (Use Class C3), with associated private and communal amenity space, cycle parking and refuse storage, and 461sqm of dual use office/community floorspace (Use Class B1/D1).	24/11/2017	SDC	Refuse	15/11/2017
PA/17/02341/R	30 Commercial Road, London, E1 1LN	Open weave mesh banner advertisement attached to existing scaffold with associated lighting for a temporary period of 9 months.	01/11/2017	DEL	Refuse	17/11/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/17/01495/R	494-496 Roman Road, London, E3 5LU	Change of use from Retail (Use Class A1) to Restaurant (Use Class A3) and installation of flue stack.	21/08/2017	DEL	Refuse	24/11/2017
PA/16/02808/R	225 Marsh Wall, London, E14 9FW	Full planning application for the demolition of all existing structures and the redevelopment of the site to provide a building of ground plus 48 storey (maximum AOD height 163.08m) comprising 332 residential units (Use Class C3); 810 square metres of community floorspace (use class D1); 79 square metres of flexible retail/restaurant/community (Use Class A1/A3/D1), basement cycle parking; resident amenities; public realm improvements; and other associated works. The application is accompanied by an Environmental Impact Assessment.	10/11/2017	SDC	Refuse	30/11/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/17/01596/R	60B Bruce Road, London, E3 3HL	Second floor extension above existing two-storey rear outrigger.	08/08/2017	DEL	Refuse	01/12/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/17/01920	Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD	Demolition of the existing store and decked car park to allow for a replacement Sainsbury's store (Use Class A1) of 5,766 sqm (net sales area), 11,414 sqm (GIA) to include a Use Class D1 'explore learning ' facility (118 sqm GIA); 871 sqm (GIA) of flexible retail/office/community floorspace (Use Class A1, A2, A3, B1 and D1); 471 residential units arranged in 8 blocks ranging from six to 14 storeys in height (up to a maximum height of 58.9m AOD); an energy centre and plant at basement level; 240 'retail' car parking spaces and 40 disabled car parking spaces for use by the proposed residential units; two additional disabled parking bays proposed at Merceron street; creation of an east-west public realm route from Cambridge Heath Road to Brady Street and public realm provision and enhancements; associated highway works to Brady Street, Merceron Street, Darling Row and Collingwood Street, and Cambridge Heath Road.			NDA	01/12/2017

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Reference	Address	Description	Decision Date	Decision Level	Decision	Appeal Received Date
PA/17/02191/R	17 Milligan Street, London, E14 8AT	Proposed rear and side extension with first floor terrace. Garage conversion to habitable room and replacement windows and doors.	16/11/2017	DEL	Refuse	05/12/2017
PA/17/00936/R	43A Commercial Street, London	Erection of an additional storey at roof level over entire building to create 2 two bedroom flats and 1 one bedroom flat (3 new units).	08/06/2017	DEL	Refuse	08/12/2017
PA/17/00937/R	43A Commercial Street, London	Internal and external alterations in connection with the erection of an additional storey at roof level over entire building to create 2 two bedroom flats and 1 one bedroom flat (3 new units).	08/06/2017	DEL	Refuse	08/12/2017
PA/17/02143/R	Rear of 387 Hackney Road, London, E2 8PP	Change of use from storage facility to a one bed three storey residential unit.	23/10/2017	DEL	Refuse	08/12/2017